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A FOOL'S PARADISE



A FOOL'S PARADISE

BEING A CONSTITUTIONALIST'S CRITICISM
ON THE HOME RULE BILL OF 1912

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THE LAW OF THE CONSTITUTION"

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P R E F A C E

A FOOL'S PARADISE is no general dissertation on the inexpediency of granting to Ireland a separate Parliament and a separate Executive. The controversy over Home Rule has now continued for more than a quarter of a century. Any general argument or fallacy put forward, whether by Unionists or by Home Rulers, in support of their own opinions, is trite and well-worn, and hardly repays repetition. I have therefore not aimed, as I did in 1886, at setting forth in detail the general objections to the policy of Home Rule.

A Fool's Paradise is a criticism upon the Home Rule Bill of 1912; but my book cannot claim to be a minute and searching criticism of the whole Bill. I have not attempted to deal with all the many and patent defects of a measure framed throughout to secure a party triumph rather than to provide a new form of government which might amend the relations between Great Britain (or, in popular language, England) and Ireland. My purpose is to achieve a much humbler end, namely, to set forth in as plain language as I can, a line of argument against the present Home Rule Bill which, if accepted, must make it impossible for any British

elector to support a measure which, if the House of Lords does its duty, cannot pass into law before May 1914. My reasoning is contained in Chapters II. and III. of this book, and consists in the establishment of three propositions which I hold to be undoubted truths :

First, the Bill, if passed into law, will not secure to England any one of the benefits which English Home Rulers, who, from the Premier downwards, are the dupes of credulous optimism, expect or hope it will produce. The Bill will not maintain in Ireland the true supremacy of the Imperial Parliament. It will not relieve the Imperial Parliament from the burden of considering Irish affairs. It will not conciliate Ireland.

Secondly, the Bill will work great evil to England, and indeed to every part of the now United Kingdom. Hence—

Thirdly, it is the duty of Unionists, and indeed of all patriots, to make sure that the Home Rule Bill never passes into law.

The substance of this argument is contained in Chapters II. and III., and does not fill as much as a hundred pages. The Introduction to the book is an attempt to analyse from the point of view of an old Unionist of 1886 the state of opinion which alone makes it possible to pass, even through the House of Commons, a Bill which in its conception is far inferior to the Home Rule Bill of 1886, and for the most part exaggerates the patent defects of the Home Rule Bill of 1893. Chapter I. deals with arguments which, in fact, weigh with honest English Home Rulers, and apparently convince them that

any Home Rule Bill, however objectionable in its details, is preferable to the refusal of something like parliamentary independence to the Irish people—by which term, in reality, is meant at most only 3,000,000 out of the 4,000,000 of the inhabitants of Ireland.

Experience of something more than twenty-five years of political controversy entirely preserves me from the delusion that the force of argument, however strong, will make any converts among convinced Home Rulers. My appeal is made to that body of men, far more numerous than party managers in general believe, who are secretly alarmed at the progress of revolutionary schemes brought forward without adequate consideration, forced through the House of Commons without anything like real discussion, and intended to be driven through the House of Lords without the assent of their Lordships, and to be enrolled on the Statute Book without any appeal to the electorate of the United Kingdom. These men may possibly give me a hearing. They will admit that, however feebly my arguments may be expressed, I rely upon the force of argument alone, and have tried to avoid the personalities which in Parliament perplex the result of what is supposed to be discussion.

As an old controversialist of 1886, I venture to refer to two points in my position which may seem open to criticism.

It may, in the first place, be said that I have not dwelt with such emphasis as heretofore on the general objections to Home Rule. My answer is that I am concerned in attacking a specific Home

Rule Bill which, even if I were convinced that Home Rule must be conceded to Ireland, achieves this end by the most vicious and dangerous of all methods. I am as firmly convinced as in 1886 that there are only three policies with regard to the relation between England and Ireland which deserve consideration. The first and best is the firm maintenance of the Act of Union. The second is the boldly conferring upon Ireland colonial independence, as in New Zealand. The last is the separation of Ireland from Great Britain, or, in other words, the national independence of Ireland. Nor am I at all certain that if the Act of Union is to be virtually repealed, the independence of Ireland might not be more conducive both to the power of England and to the prosperity of Ireland itself than the concession to Irishmen of colonial independence.

It may, in the second place, be said that I regard Home Rule simply from the English, or rather the British, point of view. This is in one sense true. I am convinced that it is best that, in a great controversy, the advocate of each side should speak of the matters which he understands. I know England thoroughly. My knowledge of Ireland, though I have always had many Irish friends, is of course comparatively small. But there is another reason for my pressing forward the interest of England. It is the conviction that every scheme of Home Rule—that is, of political partnership between England and Ireland—must affect the interest of both countries. But the inhabitants of Ireland are about 4,000,000, whilst the inhabitants of

Great Britain are about 40,000,000. I am an old, an unconverted, and an impenitent Benthamite. I hold to the belief that where, in one State, the welfare of 40,000,000 has to be weighed against the welfare of 4,000,000, the welfare of the greater number ought to prevail, and in this case my utilitarianism is confirmed by the reflection that of the 4,000,000 residents in Ireland 1,000,000 do not demand, but on the contrary abominate, Home Rule, I must on this subject speak plainly, but if any one supposes that I have ever in my life entertained a thought, or countenanced an act, of oppression, or even unfriendliness towards Ireland, he does me gross injustice. My strongest desire has always been to break down the barriers which delay the complete moral union of Great Britain and Ireland; my wish and hope are that gradually Ireland should come, like Scotland, while developing whatever is good and great in her special national character, to recognise also the claim on her allegiance of the great British nation, and the even greater British Empire. Nor am I at all disposed to place on Ireland the blame of the delayed moral unification of the United Kingdom. In the words of A. G. Richey, by far the fairest, and, had his life been prolonged, by far the greatest of Irish historians, "A study of Irish history teaches us sympathy for all Irish parties."¹

For every opinion contained in this book, as for every statement of fact, I am solely responsible, but

¹ A. G. Richey, *A Short History of the Irish People*, Introd. pp. 1-3. The noble expression of Mr. Richey's impartiality deserves a study which it has in England never as yet received.

I cannot refrain from thanking friends who have helped me in the composition of a short work which was in some respects full of difficulty. To Mr. S. Rosenbaum I am deeply indebted for his suggestions as to some of the financial features in the Bill. To Mr. Philip G. Cambray, whose knowledge of recent Irish politics is greater than my own, I owe much valuable information.

A. V. DICEY.

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INTRODUCTION

"WE know . . . that the country is threatened again with the same calamity [namely, a Home Rule Bill] from which it has twice escaped. It is the old danger, but it has to be faced by a new generation and under new conditions."¹

These are the words with which our Unionist leader boldly and wisely cheered the Unionists of Ulster. In this introduction I take them for my text. Let us examine the effect of a rise, since 1886, of a new generation. Let us consider the new conditions under which the battle for the preservation of our national and political unity must be for the third, and in my belief for the last time, fought out. If these conditions are fully recognised the victory of Unionism will be as complete as in 1886 or in 1895 ; it will also be final.

(A) THE RISE OF A NEW GENERATION

Thousands of the present electorate must be persons of not more than thirty years of age. The political memories of such men cannot extend further back than fifteen or twenty years ; they can have no personal recollection of the great political campaign carried on from 1886 to 1895. They may never have

¹ Mr. Bonar Law in Ulster, *Times*, April 10, 1912, p. 8.

known, or may entirely have forgotten, that it ended with the rout, and, as it was thought at the time, the final defeat of the English and Irish Home Rulers who were inspired with the enthusiasm and led by the genius of Gladstone. When first the younger among our present electors turned their thoughts towards politics Unionism was triumphant, and for that very reason was little talked about. Of the war in South Africa, of the controversy between Free Traders and Tariff Reformers, these men may remember something. They know nothing about the brutal and bloody tyranny of the Land League, the sudden conversion of Gladstone to Home Rule, the disruption of the old Liberal Party, the Parnell Commission, the fall of Parnell, his desertion by the mass of his followers, and his political ruin through the overwhelming power of the Irish priesthood, which he—Irish Protestant as he was—gravely underrated. All these things are, to Englishmen of thirty, ancient history. It is proverbial that each generation is specially ignorant of the transactions in which their fathers were engaged. There are scores of learned youths fresh from the universities, who, though they be voters, know less about Palmerston, and even Gladstone, than they do about Chatham, William Pitt, or Peel. They have learned the lives of the great commoner, of his son, and of Sir Robert Peel from books; but the statesmanship of the last generation, whilst it fills no part of the daily press, is not as yet (for youthful students) enshrined in the pages of exhaustive or exhausting historians. Many among our electors, I doubt not, imagine that Gladstone was a lifelong advocate of Home Rule, who extended his youthful sympathies

to O'Connell's agitation for Repeal of the Union. Most of them certainly do not know that Gladstone in 1862, when a Minister of the Crown, used words of unmistakable sympathy with the leaders in that War of Secession, the aim whereof was the destruction of the greatest among democratic Republics.¹ Half the labour thrown upon the Unionists of to-day arises from the need of explaining to electors, who neither know what Home Rule means nor remember the crimes which characterised the agitation for Home Rule, the reasons why some of the wisest and most public-spirited of England's statesmen felt it a duty to defend at all costs the Union between England and Ireland. Death, it must be added, which has deprived Home Rulers of the inestimable aid of Gladstone, has fallen with special severity upon the Liberal Unionists. This is no accident. Even in 1886 the Liberal Unionists who had, up to the date when Gladstone went over to the Home Rulers, been the glory of the old Liberal Party, were for the most part elderly men. The Duke of Devonshire (known better to his followers as Lord Hartington), John Bright, Lord Selborne, Lord Goschen, have been taken from us. Joseph Chamberlain still lives; but, to the deep regret of all Englishmen, is by the unkindness of fate shut out from the political conflict in which he was the most

¹ "We know quite well that the people of the Northern States have not yet drunk of the cup—they are still trying to hold it far from their lips—which all the rest of the world see they nevertheless must drink of. We may have our own opinions about slavery; we may be for or against the South; but there is no doubt that Jefferson Davis and other leaders of the South have made an army; they are making, it appears, a navy; and they have made what is more than either—they have made a nation."—*Morley's Life of William E. Gladstone* (1911 ed.), ii. p. 61.

effective of fighters. And Liberal Unionism can now, from the nature of things, hardly obtain youthful recruits. A Liberal Unionist was a man who, before the unity of the country was menaced, had been a member of the old Liberal Party. The youthful Unionist of to-day may be a Tory, a Conservative, a Radical, or a Socialist, but he cannot in strictness be a Liberal Unionist such as were the Liberals who, in 1886, gave new intellectual and moral strength to Unionism.

(B) THE NEW CONDITIONS

These may be summed up under several heads :

First—The absence of public excitement or enthusiasm.

From 1886 to 1895, when the battle over Home Rule raged furiously, the question of Home Rule was a burning question: it governed the whole course of English public life. Few, if any, Englishmen or Irishmen regarded it with indifference. The proposal to repeal, in effect, the Act of Union, and revive a separate Government and Parliament in Ireland, aroused on all sides vehement emotion or passion. No one can now say, or at any rate could have said until Ulster happily revived enthusiasm for national unity, that in Great Britain, at any rate, Home Rule has aroused in 1912 either passionate faith or passionate detestation. The contrast between the two eras is, to an old Unionist of 1886, as strange as it is noteworthy. From 1886 to 1895 feeling, emotion, enthusiasm or faith—it does not matter much what word you use—equally characterised Home Rulers (accurately described as Separatists), and Unionists.

The faith of Gladstonian Home Rulers was coloured by the nature of Gladstone. He was a born enthusiast, he was an orator and a statesman of extraordinary gifts and influence; but his power over his followers, and even over his opponents, mainly depended on the ease with which he first convinced himself, and then convinced many of his hearers, that any cause which he had in hand was the cause of truth and of righteousness. Unionists who listened to his introduction of his first Home Rule Bill into the House of Commons felt that they had listened to an orator who, for the moment, at any rate, entertained the "evident conviction that to support or to reject his proposals was to make choice not merely between what was politic or the reverse, but to decide between right and wrong, good and evil."¹ The effect of genuine political, as of genuine religious conversion, is to change the convert's whole view of life and also to give him, especially if gifted with high rhetorical talent, an almost magical capacity for enlisting the sympathy of his followers. Every claim of the Irish Nationalists became, with the converted Gladstone, transmuted into the demand of "Justice to Ireland." Parnell was transformed from an enemy to the United Kingdom into a trustworthy ally, whose language must always be accepted as the words of truth.² Critics, further, who wish to be fair to a

¹ See *Life of Lord Goschen*, by the Hon. Arthur D. Elliot, p. 40. The whole passage, from which I have quoted but a few words, is well worth reading. It gives the impression made upon a Unionist of high public spirit, of singularly firm judgment, and of great ability.

² See especially Bernard Holland's *Life of the Duke of Devonshire*, vol. i. pp. 355, 356.

statesman whom they cannot pretend to admire, must always bear in mind that Gladstone had in middle life adopted, in an absolute form, that doctrine of Nationality which, between 1848 and 1870, fascinated men of much calmer temperament and judgment than Gladstone. He assuredly thought, when he allied himself with the Parnellites, as when he eulogised the President of the Slave-owning Confederacy, that he was fighting for that principle of Nationality which, in his mind, was connected with his efforts to deliver Neapolitan Liberals from tortures inflicted by the cruelty of Bomba. Of course, Gladstonians caught up the enthusiasm of their leader. They tried to forget the Phoenix Park murders; they ignored the lessons taught them by the judicial inquiry of the Parnell Commission; they learned to call boycotting exclusive dealing, and they shut their eyes, and certainly their mouths, so as neither to see nor denounce, for example, the cruelties to animals which have been the special disgrace of Irish agitation under the leadership of Parnell. The crowning proof of Gladstone's influence is that, after the defeat of Home Rule in 1886, he was in 1893 allowed to carry a second Home Rule Bill through the House of Commons.¹

English Unionists, on their side, fought for the Union with an enthusiasm—Home Rulers would say with a passion—which equalled the fervour of Gladstonians. This ardent Unionism was stimulated by various causes which have now ceased to produce their full effect. From 1886 to 1895 it was common

¹ In 1893 he did not obtain a majority in Great Britain in favour of Home Rule.

knowledge that since 1800 every statesman, including Gladstone, whose name carried weight in Great Britain, had been the avowed opponent of Repeal.¹ Bright's declaration that the Parnellites were the "Rebel Party" came home to every Englishman and Scotsman throughout Great Britain, as also to every Irish Unionist. Above all, in 1886, every man throughout the United Kingdom remembered May 6, 1882, and the ghastly tidings of the Phoenix Park murders. At that moment, and at every moment up to the date of Gladstone's formal announcement that he had become a Home Ruler, it seemed to many ardent Gladstonians a moral impossibility that Gladstone should form a close political connection with a man who, though innocent of these murders, had formed a close connection with conspiracies organised by Fenians and subsidised by sympathisers who, like Patrick Ford, advocated, as against England, the use of dynamite and assassination. Remember, too, what is now forgotten, that, though it may be with plausibility maintained that Gladstone entertained, earlier than 1886, proclivities towards the policy of Home Rule, this fact was entirely unknown to the ordinary English public. They judged his statesmanship, as they had a right to do, by his actions and his public speeches, and thus came to the probably unfair conclusion that the trusted leader of the Liberal party had gone over to Home Rule simply to obtain the 86 Irish votes which were at Mr. Parnell's disposal. No one can wonder that moral repro-

¹ See Macaulay's speech against Repeal, February 6, 1833. It expressed the sentiment of the vast majority of the House of Commons.

bation of Gladstonian statesmanship added to the sternness of every Unionist's determination that no Minister should be allowed to dissolve, or even to loosen, the political links which bound together Great Britain and Ireland. The whole attitude of Gladstone, and the course of events from 1886 to the end of 1893, added fire to the indignation of Unionists. The cruelties deliberately inflicted by boycotting on men and women guiltless of any crime whatever, and the torturing by boycotters of innocent animals, were then known to every reader of the newspapers. This last outrage on humanity was, I am certain, hateful to Gladstonians, and, I believe, to the vast majority of Irish Nationalists; but it never met from any leading Home Ruler with the public and impressive denunciation which it deserved. Gladstone's attack on the so-called Crimes Act of 1887, a much more moderate measure than his own Coercion Act of 1882, and his "Remember Mitchelstown," were, in the ears of every Unionist, the defence of outrageous lawlessness. The Parnell Commission, though it disposed of one libel on Parnell, convicted Parnell and the most distinguished among the Irish Nationalists of undoubted and terrible crimes.¹ The sordid scandals of the O'Shea divorce case, the rally of the Nationalist Party round Parnell, followed almost immediately by the scenes in Committee Room No. 15, and the desertion, at the bidding of Gladstone, by the majority—though not, I am glad to say, by the whole of the Parnellite M.P.'s—damaged not only Parnell, but Gladstone himself in the eyes of Unionists.

¹ See *Life of the Duke of Devonshire*, by Bernard Holland, vol. ii. p. 202, and Dicey, *The Verdict*, pp. 189-93.

But the last blow to any confidence they might have felt in the judgment or the fairness of a statesman who had once been the idol of British Liberals, was really dealt by that Home Rule Bill of 1893 which proved Gladstone's power over his disciples. It showed Unionists that he had lost, in his enthusiasm for Irish Home Rule, all sense of fairness to England, for the Home Rule Bill of 1893, as indeed does the Home Rule Bill of 1912,¹ withdrew the one benefit which the Home Rule Bill of 1886 had offered to England—namely, the withdrawal of every parliamentary representative of Ireland from the Parliament at Westminster. The enthusiastic indignation or the indignant enthusiasm of Unionists in 1886, and still more truly in 1893, might be summed up in the lines :

Ask me what provocation I have had :
The strong antipathy of good to bad.

But the enthusiasm of Unionists during the conflict with Gladstonian Separatists was allied with a sense of new and triumphant hope. During the years immediately preceding the introduction of the first Home Rule Bill Englishmen were haunted by the dread that Parnellite intrigue had corrupted our public life. The explanation of this fear is to be found in the Maamtrasna Debates of 1884. This episode of parliamentary life is probably quite unknown to most of my readers, or

¹ The Home Rule Bill of 1912 reduces the representation of Ireland from 103 to 42 on all ordinary occasions (see Bill, cl. 13) ; but the Bill will also, as things now stand, raise the Irish representation, whenever the financial arrangements between Great Britain and Ireland are in question, to some 65 members : see Bill, cl. 26 (3).

forgotten by them. It may be summed up in a few words. Lord Spencer was engaged in the manful effort to support the supremacy of the law in Ireland. He was a true patriot ; he might at any moment, as every man knew, be the victim of a crime as atrocious as that which still makes, to many Englishmen, the name of the Phoenix Park a word of horror. He was accused, in the ominous and calamitous Maamstrasna Debates, of allowing the judicial murder of innocent men. The accusation, every one now feels, was absolutely groundless. Lord Spencer had a right to the most unhesitating support and vindication. The defence delivered by his colleagues was adequate, but not, as we read it to-day, as warm as it ought to have been. Some Conservatives betrayed a disposition to throw over an official who deserved sympathy and applause. The diplomacy which enabled Conservatives and Parnellites to act together during the election of 1885 excited among Englishmen of all classes grave suspicion ; they feared that Parnellite intrigue was corrupting the public life of England. The nation called for a moral rally which might restore to the action of English statesmen its frankness and its wholesomeness. The formation of the Unionist Party (caused by the alliance between Gladstone and Parnell) was the answer to this national demand. It promised to thousands of Unionists the renovation of our public life and public virtue. Tories, such as Lord Salisbury, intimate friends of Gladstone's, such as the Duke of Argyll and Lord Selborne, Whigs, such as Lord Hartington, Radicals of the old school, such as John Bright, and Radicals of the

new school, such as Joseph Chamberlain, were seen standing together and prepared to act with energy and harmony for the one object of preserving the political unity of the United Kingdom. This was much more than the creation of a new party. It was the revival of the old and noble conviction that, when England was in danger, partisanship would at once yield to patriotism. Conservatives and Liberal Unionists were equally prepared to make, and many of them did make, great personal sacrifices. Lord Hartington sacrificed for ever the certainty of being enrolled among the Premiers of England. Lord Salisbury was equally willing to surrender the Premiership to Lord Hartington if only the sacrifice might best serve the cause of national unity. The moral enthusiasm of Unionists, or rather of England, found its most appropriate representative in John Bright. He had been through life, as he remained till his death, the warmest friend of Ireland; he had, long before any other English statesman, foreseen the necessity for legislation which might enable Irish tenants to purchase, as owners, the land of which they were the occupiers. He had, in 1870, introduced clauses in favour of such purchase into the Land Act of that year. But John Bright denounced the whole policy of the Home Rule Bill of 1886. The enthusiasm of Unionists, if kindled by indignation at wrongdoing, was doubled by the conviction that Unionism was the representative of national morality. In 1913 the passionate or the romantic element in the conflict over Home Rule has, as any one can see, yielded to feelings of prudence,

of lassitude, or of despair. Not the most reckless slander imputes enthusiasm to Mr. Asquith. The Home Ruler of to-day knows little or nothing about the "union of hearts." Sentimental appeals to the blessings of Home Rule in the Austro-Hungarian Empire, in the relation between Norway and Sweden, or in Iceland, have quite gone out of fashion. Rarely does any one evoke the memory of Gladstone. He belongs to 1886; he is out of place in the world of to-day. Home Rule, by its English advocates at least, is treated rather as a wearisome necessity than as the glorious building up of an Irish nation. Unionists, I admit, have also lost something of their fervour, and with it something of their strength. It is well that their faith should have been rekindled by the passionate Unionism of Ulster.

Secondly—The full development of the British democracy.

In 1884 the reign of democracy was secured by the full establishment of household suffrage. In Ireland it gave every seat outside Ulster to the Parnellites. In Great Britain it produced less immediate result than might have been expected by a well-informed foreign critic. Up to 1895 English statesmen themselves did not, in general, fully appreciate the character of the revolution which they themselves had carried through by legislation extending from 1866 to 1884. They were all politicians whose experience had been mainly gained in the middle-class Parliament elected by the Ten-pound Householders (1832-1866). Gladstone had sat in the unreformed Parliament. Ancient habits fixed for a time the working of new insti-

tutions. After 1895 it became clear that British democracy was betraying two characteristics, neither of which has, in fact, been favourable to Unionism. The first was the immense increase in the power of the Party Machine. In 1886 members of Parliament practised considerable freedom of voting according to their own judgment for or against Home Rule. In 1893 party discipline was becoming rigid, but it was conceivable, though not probable, that a vote here and there might be turned in the House of Commons by the weight of argument. In 1913 parliamentary discussion and the delay which it entails may conceivably affect the course of public opinion outside the House, but it would be a moral miracle if the power of reasoning or of eloquence should decide the result of any parliamentary debate on the Home Rule Bill of 1912. The simple truth is that the existence of the Coalition, whereof the Premier is at least the nominal head, and the passing of the Parliament Act, which not only gags the House of Lords but threatens to prevent the submission of the Home Rule Bill to the verdict of the electors, are the triumph of the Party Machine. The second characteristic of the British democracy is the growth of the feeling that fundamental changes in the Constitution are matters which may be undertaken with a light heart, and may be carried through as thoughtlessly as laws of merely temporary importance. It may be doubted, indeed, whether constitutional questions interest the electorate of 1913 as they used to interest the Ten-pound Householders. It would rather seem that such questions interest the electors only in so far as they may affect the material interests of the

class or the party to which he belongs. The pledges lightly given, and as lightly to be broken, in favour of the gigantic innovation involved in the bestowal of the parliamentary suffrage upon women, the reckless rapidity with which Old Age Pensions were provided for the poor, and the unearned payment of £400 a year was bestowed, or thrust upon, members of Parliament, whether rich or poor, the grant to Trade Unions of privileges denied to every other body of citizens, provide abundant evidence of the ease with which the elector of to-day tolerates or applauds rapid changes which, whether bad or good, touch the foundations, not only of the English Constitution, but of English social life.

Thirdly — Diversion of the enthusiasm originally excited by Unionism to other matters.

The strength of the Unionist position lay, from 1886 to 1895, in the conviction of every Unionist that the maintenance of the Union with Ireland was in fact a matter of absolutely predominant importance which for the time overshadowed and reduced to relative insignificance every other question which could possibly divide loyal English citizens. A genuine Unionist who maintains the faith of 1886 must be convinced that, in resisting the Home Rule Bill of 1912, he is fighting on behalf of the unity of the nation. He must feel that the contest in which he is engaged requires his whole-hearted service, and that he must resist Home Rule with the undivided zeal which enabled the Republicans of the Northern States during the War of Secession to withstand in Congress, and on the field of battle, every attempt of the South to break up the great

American Republic. Now this unity of conviction necessary for triumphant unity of action has clearly been, since 1895, threatened by the rise into prominence of any question which might divide the Unionist Party. The growth of new ideas, even though in themselves quite unconnected with the expediency or in expediency of creating a separate Irish Government responsible to a separate Irish Parliament, has naturally tended towards the disunion of Unionists. Let me give a few illustrations of my meaning. Socialism, which for my present purpose may be roughly described as the belief that the powers of the State—such, for example, as taxation—may be rightly employed for directly increasing the material comforts of wage-earners, has assuredly acquired a new influence in England. It is not my business to discuss the merits or demerits of Socialistic theories. It is hardly within the scope of my argument to point out the way in which the growth of Socialistic beliefs was, whether logically or not, encouraged by the Irish Land Purchase Acts. All I need insist upon is that a Unionist may be an ardent Socialist or an ardent Individualist, and therefore the rise of Socialistic ideas has a tendency to distract Unionists from their struggle for national unity which is the proper work of Unionism. Imperialism, again, means (in the sense in which it is now generally used) the belief—and, in my judgment, the well-founded belief—that the maintenance of the British Empire and of a cordial alliance between England and her self-governing Colonies—or, as they are now generally called, Dominions—is an immense benefit both to England and to the civilised world. But

this belief is itself, compared with the condition of opinion in, say, 1850 or even in 1886, a more or less new idea. It is an idea, moreover, which in itself is congenial to Unionism. Hence a Unionist Government was able to carry through, with splendid bravery and ultimately with victorious success, the war in South Africa. For that war was waged by England and her Dominions to prevent a form of secession which tended to break up the British Empire. Yet, assuredly, the war itself diverted attention from the necessity for active resistance to the Home Rule movement, and gave birth to the delusion that "Home Rule was dead." The war had another and an unexpected effect. One of the many ambiguities which lie concealed in the term Imperialism suggested to Home Rulers to obtrude upon the public, whether with perfect honesty or not, their intense loyalty to the British Empire whilst they still desired to break the United Kingdom into fragments ; and this attitude was taken up at a time when some Irish Nationalists were applauding, if not aiding, the successes of the Boers. But neither the rise of Socialism nor the growth of misinterpreted Imperialism worked half as much injury to the Unionist cause as was wrought by the difference of opinion among Unionists on the subject of fiscal policy. It is not my wish, at this moment, to take any part whatever in this controversy. My deliberate conviction, on which I earnestly insist, is that Free Traders and Tariff Reformers alike committed a grievous error. They imagined that Home Rule was dead, and, under this delusion,¹ they

¹ This delusion was fostered by some agreement, understanding, or pledge supposed to be entered into by Campbell-Bannerman and

thought they might risk a battle among themselves on behalf of each party's economical dogma. They thereby allowed the defeated and disunited forces of Home Rule to effect a rally. It is, I presume, clear enough now to every Unionist that no Unionist ought in 1906, either by his vote or by his abstention from voting, to have kept a Cabinet of Home Rulers in office. However this may be, the object of my brief historical survey has, I trust, been accomplished. It explains the extent to which the rise of a new generation and the existence of conditions unknown both to the Gladstonians and to the Unionists of 1886-95 have affected the fortunes of Unionism.

his colleagues, that, if the General Election of 1896 kept them in office, no measure of Home Rule for Ireland should be brought in by the Government during the existence of that Parliament. This arrangement, whatever its nature, was violated in spirit by the introduction of the Irish Councils Bill, 1906.

A FOOL'S PARADISE

CHAPTER I

ENGLISH ARGUMENTS IN FAVOUR OF HOME RULE

My object in this chapter is to state and also to supply the answer to the main arguments, which in fact, and in this year of grace 1913, weigh with British electors in favour of the policy of Home Rule. I purposely have omitted arguments, however weighty in themselves, which tell little upon the electors of Great Britain. It must always be borne in mind that the movement in favour of Home Rule has now taken a very definite shape. The coalition between English Home Rulers and Irish Nationalists which at present holds office and parliamentary power, has laid before Parliament the definite Home Rule Bill of 1912¹; and the substantial question at issue is whether that Bill

¹ The Bill, if ever passed by Parliament, will become the Irish Government Act, 1913, or more probably 1914.

Any reader who has not mastered the Parliament Act, 1911, must bear in mind that : *the Home Rule Bill can be ultimately passed into law by the House of Commons without the assent of the House of Lords.*

But he must also remember that :

(1) The Bill cannot be so passed until and unless it has been three times, in three successive *sessions*, passed by the House of Commons and been rejected by the House of Lords.

(2) The Bill cannot be so passed until the lapse of two full years from the day, in this instance May 14, 1912, when the Bill passed its Second Reading in the House of Commons, *i.e.* the

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ought or ought not to pass into law and become the Home Rule Act of, say 1913 or 1914. The arguments which we have to consider are four in number.

ARGUMENT 1.—*From the long continuance of the Home Rule movement (1870-1913).*¹

More than forty years have passed since Isaac Butt formally opened the movement in favour of Home Rule.² When he addressed the House of Commons he was heard with politeness, but his proposals excited little attention. He was an advocate of talent, but he was no second O'Connell, and to English politicians "Home Rule" seemed simply a feeble revival of Repeal. Yet this very circumstance, Home Rulers may with force urge, increases the significance of the steady continuance of the Home Rule movement. No doubt the boldness, the fanaticism, or the recklessness by which Parnell forced it into prominence accounts for the success, as also for the immediate failure, of the movement: for Parnell's policy, whilst it kindled the strenuous zeal of his followers, aroused the indignant anger of all Englishmen. But then the circumstances which told against the movement did not lead to its discontinuance. The Phoenix Park murders (1882), the Report of the Parnell Commission (1889), the mean and sordid details of the O'Shea divorce case in which Parnell was co-respondent, the desertion of Parnell (at the bidding of Gladstone) by the mass of

Bill cannot, without the assent of the House of Lords, become an Act of Parliament until the 14th, or perhaps 15th, of May 1914.

(3) The Act, if passed without the assent of the House of Lords, must be in substance the same as the Bill when it shall have been first sent up to the House of Lords, *e.g.* about Christmas 1912.

¹ See May's *Constitutional History of England*, 1860-1911, vol. iii. pp. 92-96, and ch. iii. pp. 142-200.

² The Home Government Association, which was afterwards the Home Rule League, was founded in August 1870. See Acland and Ransome, *A Handbook of the Political History of England* (10th impression), p. 213.

his supporters just after they had renewed their allegiance to their leader, in spite of the scandals revealed in the Divorce Court, Parnell's defeat by the Irish priesthood, and even his death, hardly affected the number or the votes of Irish Home Rulers. The parliamentary feud between the two sections of the Nationalists, marked though it was by extreme bitterness, came in a short time to nothing. Reconciliation was achieved by placing at the head of the party Mr. John Redmond, the most faithful of the minority who to the last had stood firmly by Parnell. The impressiveness of these facts is increased by a comparison of the Home Rule movement with the history of Repeal under O'Connell and the movement for national independence associated with the name of Smith O'Brien. O'Connell was a leader whose gigantic exertions had gained for his fellow Roman Catholics full political equality. This achievement gave him, among Irish Catholics of all classes, an authority as unbounded as it was well deserved. He was an orator whose genius was acknowledged even in the hostile Parliament at Westminster. He gained the hearts of the Irish people. He threw himself, heart and soul, into the agitation for the restoration of Ireland's old Parliament. Yet even in the lifetime of O'Connell the cause of Repeal was visibly doomed to failure. He stood his trial for conspiracy, and his conviction by an Irish jury, though on technical grounds it was quashed by the House of Lords, gave a fatal blow to O'Connell's practical influence in Ireland. To Englishmen the effect of legal proceedings which led to no punishment seems almost incomprehensible. Yet the probable explanation lies near to hand. The prosecution of O'Connell made it plain that, though he was free from the vices, he did not possess the boldness or the recklessness of a born revolutionist. He hated bloodshed. He loathed the memory of the French Jacobins. He longed to restore the

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Parliament of Grattan. He was bent on retaining the connection with England. He was passionately loyal to the English Queen. He believed in moral force. He was not the man—to his honour be it spoken—who could ever have been the ally of boycotters or of dynamiters. If the agitation for Repeal failed, he was not prepared to head a revolution. Hence he could not be the leader of those estimable Nationalists and Republicans—the true Girondins of Ireland—who in 1848 dreamed of an independent Irish Republic to be established by a rising of the Irish people against the alleged tyranny of England. But the movement in favour of Irish Nationality in its turn came to nothing. The virtuous Republicans never obtained in Ireland an influence anything like at all equal to their talents and their highmindedness; some of them were found guilty of treason felony and condemned to transportation. The most eminent of their number, and the historian of an abortive movement, became in Australia, as Sir Gavan Duffy, the servant of the British Crown, and received a pension well earned by services to the British Empire. The Irish Nationalists of 1848, known then as Young Ireland, were, by their highmindedness and nationalist enthusiasm, prevented from following the felonious advice of Lalor and transforming a movement for the creation of an Irish Republic into a murderous conflict between landlords and tenants for the possession of Irish land. The purest form of Irish Nationalism perished with Smith O'Brien's futile attempt to raise an insurrection against the Government of the United Kingdom. The collapse first of the Repeal movement under O'Connell, and, secondly, of the endeavour, under the leadership of Smith O'Brien, to carry through an armed revolution, certainly afford an extraordinary contrast with the continuance for a period rapidly approaching to half a century of the reiterated demand in Parliament for Home Rule,

supported by methods all of which menaced the authority of Parliament and some of which were nothing better than the organised commission of outrageous crimes. Nor, in estimating the strength of the Home Rule argument, can we leave out of sight the fact that Unionists held power for at least sixteen years and had the opportunity of giving full effect to their policy. They rigorously enforced the law of the land. They established in Ireland as liberal a system of local self-government as exists in England. They at last arranged a scheme of land-purchase wide enough to ensure, as it has to a great extent ensured, that by the aid of the State—that is, in effect, by loans from the Imperial Treasury—Irish tenants should become the owners of the land of which they were the occupiers, and this revolution was, according to Unionist policy, to be accomplished on terms not meant to be unjust to Irish landlords. All this, as a Home Ruler would assert, has profited nothing. The Nationalists continue an unbroken party and hold at least as many seats in Parliament as they did when Parnell was a despot whom no Nationalist dared to disobey.

These are facts which weigh heavily with an English Home Ruler. He draws from them the political inference that Ireland will never be conciliated without the concession of Home Rule, and he often, as a moralist, draws the further conclusion that “there is no evasion of the plain duty” on the part of England to concede Home Rule to Ireland.¹ Nor can any candid critic deny that, under a democratic constitution, such as now exists in England, there are many difficulties, and sometimes considerable danger, in pursuing a policy—in this case the maintenance of the Union between Great Britain and Ireland—that is opposed to the wishes and to the regularly expressed demands of the majority of the citizens who inhabit

¹ See Dr. Horton's letter to the *Times*, February 10, 1912, p. 8.

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a particular part, namely Ireland, of the United Kingdom.¹

Answer.—This line of reasoning is indefinitely weakened or disposed of by the following considerations, which explain the tenacity with which the demand for Home Rule has been maintained by Irish Nationalists.

1. Parnell invented, or adopted, a system which combined the advantages of nominally constitutional agitation with the encouragement of illegality which amounted to heinous conspiracy.² Parnell also linked the cause of Home Rule with an agitation, carried on in many instances by methods both dishonest and cruel, for the transfer of Irish land to Irish tenants or occupiers. Hence Parnell and his associates appealed to one of the strongest passions of the Irish peasantry. Parnell was thereby enabled to obtain for a time a dictatorial authority which could enforce the most absolute discipline upon his followers. What was of more permanent consequence, the somewhat languid demand for Home Rule, or national independence, was for the first time identified in the minds of Irish tenants with the passion for the possession of the land which they occupied.

Since 1886 the agitation for Home Rule, identified as it was with the land-hunger of the Irish people, has been encouraged by the avowed willingness or eagerness of a great English party to join in the movement in favour of in effect repealing the Act of Union between Great Britain and Ireland. The

¹ This was Gladstone's view. "Parnell's movement was different [from Butt's]. It came to this: We granted a fuller franchise to Ireland in 1884, and Ireland then sent eighty-five members to the Imperial Parliament. That settled the question. When the people express their determination in that decisive way, you must give them what they ask" (*Life of Parnell*, ii. 365. See May, *Constitutional History of England*, liii. 169).

² See Dicey, *The Verdict*, "Findings of the Parnell Commission," pp. 189-94.

Home Rule movement, at this moment, derives more than half its vitality from the readiness of Englishmen who call themselves Liberals to "enter into a deal" (if I may use the slang of American politics) with Nationalists who pay no regard to the interest or wishes of England. Who can wonder that Mr. Redmond and his followers should be inexpressibly cheered in their last fight for Home Rule from the knowledge that the Prime Minister of what is still the United Kingdom is willing to join with the Nationalists of Ireland in a policy of log-rolling which the coalition of English Liberals and Irish Nationalists dare not submit to the judgment of the electorate of England, Scotland, and Ireland? This description of the present state of affairs will be treated by every Home Ruler or Separatist as the language of a partisan or a zealot. But of two facts my critics may rest assured. My words, in the first place, are the words of a man who has for more than a quarter of a century watched the fluctuations of the conflict over Home Rule with careful and, I may venture to add, with perfectly disinterested attention. My words, in the second place, represent the belief of thousands and tens of thousands of Unionists throughout Great Britain and Ireland. This belief in the intimate and unholy alliance between English Ministerialists and Irish Nationalists is grounded, not on private information or popular rumour, but on circumstances known to every intelligent reader of the parliamentary debates which have taken place since the ill-starred day when a Cabinet of Home Rulers was allowed again to occupy office. One fact must be, to many candid judges, conclusive. This is the notorious determination of a Ministry of Home Rulers that the so-called Crimes Act, 1887, shall not be enforced. This is, in reality, the open relaxation of the authority of the law; it is little less than the proclamation that the law enacted by Parliament is no law in Ireland.

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2. The dogma that the demand for a particular form of government by a minority of the people living under one constitution must, if it be made in a legal manner and for many years, necessarily be granted, is absolutely without foundation. It is unknown to the English Constitution ; it is unknown to any constitution whatever of the civilised world ; it has no connection whatever with the so-called principles of democracy. For these principles, whether we regard them as true or false, or (as reasonable Englishmen generally do) as containing a mixture of valuable truth and palpable error, rest on the fundamental assumption that the majority of the citizens of a State have in general a right to enforce their will upon a recalcitrant minority. The citizens of federal, republican, and democratic Switzerland, with the severest emphasis, repudiated during the War of the Sonderbund, the right of the Catholic Cantons to break up the Republic. The American Commonwealth suppressed a similar political heresy by the war against Secession, which lasted for at least five years, and imposed untold loss upon the country both of treasure and of blood. The unitary and democratic Republic of France has never for a moment tolerated the pretended right of a minority to defy the will of the nation. The suppression of the Commune at Paris, when a large part of France was still occupied by German soldiers and the country seemed well-nigh at its last gasp, was the expression of the resolution of Frenchmen that a minority, even though it held in its hands the capital of the country, should not usurp the supremacy of the nation. I do not argue for a moment, for I do not believe, that every democratic principle is true. Majorities, as also minorities, may be and have been guilty of oppression which morally justifies resistance or rebellion. My contention is that the rule of a minority is not a democratic principle. To any democrat, therefore, who argues that the

continuous demand for Home Rule by a majority of Irishmen gives Ireland a right to Home Rule, I confidently reply that the granting or the refusal of this demand ought to depend upon the answer to the inquiry whether the grant thereof is or is not likely to be beneficial to the whole United Kingdom. In any case, so-called democratic principles give no countenance whatever to the idea that there is any reason why the wishes of, say, three million Irishmen, should be preferred to the interest or the wishes of forty million and more of the citizens of the United Kingdom. But an enthusiastic Home Ruler constantly adopts the tone of a moralist or of a preacher. We are told that it is the "plain duty" of England to concede Home Rule to Ireland. When this allegation is made, as it constantly is, by honest and good men, my astonishment necessarily takes the form of a respectful inquiry: Where is the supposed rule of morality to be found? Let me be referred to the teaching of any admitted authority in the matter of morality or of religion. Who, I ask, is the constitutional moralist who sanctions the ethical rule on which Home Rulers rely? Abraham Lincoln, the hero and the martyr of modern democracy, has in so many words repudiated this undemocratic delusion. "In what consists," he says, "the special sacredness of a State? . . . I speak of that assumed primary right of a State to rule all which is less than itself, and ruin all which is larger than itself. . . . On what rightful principle may a State, being not more than one-fiftieth part of the nation in soil and population, break up the nation, and then coerce a proportionally larger subdivision of itself in the most arbitrary way? What mysterious right to play tyrant is conferred on a district of country, with its people, by merely calling it a State?" Assuredly you may search the Bible from the beginning of the Book of Genesis to the end of the Book of Revelation

without discovering a word which identifies the wishes either of the majority or of the minority of the electors, or even of a whole people, with the will of Heaven or the dictates of righteousness. Religion, thank Heaven, has no concern with Home Rule or Unionism, and I would suggest to zealous politicians, even when they are accustomed to the religious inspiration of the pulpit, to abstain from vehement appeals to religious principle which can give us no direct guidance on a subject pre-eminently of secular expediency.

3. The Irish Nationalist and the English Home Ruler treat the movement for Home Rule as expressing the will of Ireland; but here, as elsewhere, accuracy of expression would greatly aid fairness both of thought and of action; the so-called will of the Irish people means, as every man of sense now knows, merely the will of the majority of the inhabitants of Ireland. In answer to the cry from the south of Ireland, "We will have Home Rule," goes up the firm rejoinder of Ulster, "We will not have Home Rule." And this difference in the wishes of Irishmen is surely a matter which deserves, at any rate, the respectful consideration of every Englishman. No fair controversialist will trust much to the *argumentum ad hominem*. Still, it is worth while to point out that the English democrat who holds that it is the "plain duty" of the majority of the citizens of the whole United Kingdom to concede Home Rule to Ireland in deference to the will of a majority of Irishmen, constituting after all a small minority of the citizens of the United Kingdom, and who also holds that Ulstermen are bound to acquiesce in Home Rule (which they detest) because it is demanded by a majority of the inhabitants of Ireland, will find that he occupies an utterly inconsistent position: For, as against Great Britain and the Protestants of Ireland, he denies to the majority of the citizens

of the United Kingdom that sovereignty which the democratic creed attributes to the majority of the citizens of any State, but at the same time he, as against Ulster, presses to the utmost extreme, on behalf of the majority of Irishmen, the right to demand absolute obedience from the minority of Ulstermen.¹ The inconsistency of the English Home Ruler's attitude is patent. It is the better worth pointing out because it arises from a conflict between his inherited democratic creed and his modern sympathy with the so-called doctrine of Nationality.

The effectiveness of the argument based on the continuous demand for Home Rule by the majority of Ireland's parliamentary representatives arises to a much greater extent than English Home Rulers of to-day perceive from its confusion with the argument based on that principle of Nationality which had so much weight with English Liberals and democrats of an earlier generation—from about 1845 to 1870—and notably with Mr. Gladstone and the Gladstonians of 1886. It would be a matter of much interest to examine what is the amount of

¹ The inconsistency of such Home Ruler's position may be best shown arithmetically. In round numbers, the population of the United Kingdom is 45,000,000; the population of Great Britain is 40,000,000; the population of Ireland is 4,000,000; the Protestants of Ireland make up about 1,000,000.

On these facts the Home Ruler's argument stands thus: As between Great Britain and Ireland, it is the "plain duty" of Great Britain to concede Home Rule to Ireland because it is legally demanded by, or on behalf of, in fact, 3,000,000 of Irishmen, or, as he would perhaps say, 4,000,000 of Irishmen. Hence 40,000,000 of the citizens of the United Kingdom are, in his opinion, morally bound to yield to the demand of at most 4,000,000 of Irishmen; but, as between Ireland and the Irish Protestants—or, in popular language, Ulster—he holds that 3,000,000 of Irishmen are under no duty whatever to give heed to the protest against Home Rule of 1,000,000 of their fellow Irishmen. In short, as between Great Britain and Ireland, he denies the moral right of a majority to rule; as between Ireland and Ulster, he denies *in toto* the moral right of a minority to insist upon obedience to its demand.

truth contained in this famous principle, and what are the causes which have, in England at any rate, deprived it of so much of its original attractiveness and glamour. From such an examination I have deliberately abstained, and this for two reasons. The one reason is that the principle of Nationality has, whether rightly or wrongly, very little influence on the English electorate of to-day. The other reason is that no man who honestly accepts the Home Rule Bill of 1912—*i.e.* who accepts it as anything else than the means for obtaining the independence of Ireland—can logically or fairly rely in support of this Bill on the principle of Nationality. This point deserves a moment's consideration. The Bill itself is, on the very face of it, the denial of Ireland's claim to national independence, or even to colonial independence. No English Home Ruler is willing to concede to Ireland the national independence, say, of Belgium or Switzerland. Few English Home Rulers are willing to concede to Ireland the colonial independence of New Zealand. The English electorate are certainly not prepared to give a moment's hearing to Ireland's claim, however made, for independence of any kind. Irish Home Rulers are doubtless many of them Nationalists, but they profess to accept Home Rule as embodied in the present Bill. Many of the parliamentary party, especially those members thereof who hope to hold office under the rule of an Irish Parliament, *bona fide* accept Mr. Asquith's Home Rule policy. But even zealous Nationalists are hardly prepared to welcome the burdens, no less than the privileges, of any form of independence. Would the shopkeepers of Dublin, or the farmers of the south of Ireland, continue to vote for Home Rule were they assured that, from the moment when a Home Rule Act came into force, Ireland would enjoy the independence of New Zealand, but would, like New

Zealand, receive no grants from the Imperial Parliament, drawn from the pockets of the British taxpayer? Even now they have become aware of a fact which a careful student of the Home Rule Bill must have soon perceived, that the Bill gives them no security for the extension of the policy of the Land Purchase Acts, and they are apparently uneasy lest the Parliament at Westminster, whilst willing to part with power, should be unwilling, for the sake of a Home Ruled Ireland, to part with money, or to let the credit of the no longer United Kingdom be pledged for some £100,000,000 more needed for carrying into effect Land Purchase Acts which bring consolation to Irish landlords, and the joys of ownership to Irish occupiers of land. The nation whose desire for Home Rule is combined with a demand for the payment of some £2,000,000 by British taxpayers in order to make Home Rule a possibility is not in a position to rely on the principle of Nationality. Mazzini hated Austria, but Mazzini never asked, nor for that matter did a single Italian patriot ask, that a united Italy should for years receive from the Austrian Empire some £2,000,000 needed for meeting the necessary expenses of the Italian Government. In plain truth, the position of Ireland would be logically far stronger if Irish Nationalists were demanding, as did the Irish Nationalists of 1848, national independence, and not Home Rule. A thorough-going Nationalist may maintain, without inconsistency, that Ireland has a right to national independence, even though her demand involves injury to Great Britain. An Irish Home Ruler in effect asks, in theory at least, not for independence, but for a revision of the terms of partnership between Ireland and Great Britain. To this demand it is a decisive reply that these terms cannot be settled in reference solely to the wish of the member of the firm who is not the

leading partner, and that the interest of the predominant partner, who assuredly is England, must, as Lord Rosebery when leader of the Liberal Party insisted, receive the utmost attention. Turn it which way you will, the principle of Nationality has no true application to the Home Rule Bill of 1912, or to any Home Rule Bill which any Ministry will ever venture to lay before the electorate of the United Kingdom.

ARGUMENT 2.—*From the burden imposed by Irish affairs on the Imperial Parliament.*

The practice of systematic obstruction which, if not strictly discovered, was certainly developed to its evil perfection by Parnell, threatened, it is argued, the Parliamentary Constitution of England with ruin. The immensely increased authority of the Speaker, it is added, the closure, the guillotine, the curtailment of debate, the despotic authority which has passed into the hands of the Cabinet, all the different devices, in short, adopted to check parliamentary obstruction have turned out almost as bad as the evil which they were meant to cure. The Parliament at Westminster is gradually losing much of its authority and many of its traditional virtues. As long as the members sent from Ireland to Westminster can hold such a balance of power as to bestow office, now upon the one and now upon the other of the great English parties, these Irish members will so disturb the working of English institutions as to make sound and systematic legislation an impossibility. In any case, the burden imposed upon the Imperial Parliament, or in strictness upon the House of Commons, is too heavy to be borne. It must be lightened, and relief, it is inferred, from this inordinate burden can be obtained only by relieving the Parliament at Westminster from the necessity of governing Ireland, or of legislating for Ireland.

This argument, which tells to-day for much more

than it did either in 1886 or in 1893, weighs with the ordinary English voter more heavily than any appeal either to the respect which some democrats imagine to be due to the persevering demand of the people of Ireland,¹ or to that principle of Nationality² which, if the unvarnished truth is to be spoken, has with English electors lost much of its original impressiveness and glamour. Yet this argument, which may perhaps be called the argument in favour of Devolution, will, on careful examination, be found to contain a good deal less of pith and substance than it at first sight seems to possess. And this for reasons which may be the more summarily treated because the subject of the relief to be obtained by Parliament by the concession of Home Rule to Ireland will receive further examination in my criticism of the Home Rule Bill of 1912.³

Answer.—Note that in this, as in other instances, the reply to an argument may consist of different reasons or objections. Their force is cumulative.

1. The extent to which the affairs of Ireland impede legislation is the subject of great exaggeration. Throughout the existence both of the Unionist Governments and of the present Home Rule Government a very considerable amount—some critics might say an excessive number—of important Acts have been carried through Parliament. This assertion is sufficiently proved by a mere reference to the Workmen's Compensation Act, to the Act establishing local government in Ireland, to the whole line of Irish Land Purchase Acts and especially to the statute connected with the name of Mr. Wyndham, to the Trade Disputes Act, 1906, to the Old Age Pensions Act, 1908, and to the National Insurance Act, 1911, 1 & 2 Geo. V. c. 55.

¹ See Argument I, p. 2, *ante*.

² *Ibid.*, p. 11, *ante*.

³ See Chapter II. p. 45, *post*.

2. The complaint about the hindrance to parliamentary legislation is, as a plea for dissolving the Union between Great Britain and Ireland, factitious. It would be heard were every member from Ireland withdrawn from the Parliament at Westminster. A minority of Socialists, a minority of Labour members, a minority of Suffragists, or a minority of reactionary Tories might practise the arts of obstruction and intrigue as efficiently as Irish Nationalists. The weak point of parliamentary government, of which Parnell is, whether rightly or not, the reputed discoverer, is now well known to the members of every Parliament throughout the civilised world. In Pesth, in Vienna, or in Washington—and, for aught I know, in Japan—the arts of obstruction are, or may be, as freely practised as at Westminster. The factitious character of the complaint put forward by English Home Rulers is patent. They never even try the kind of remedies appropriate towards checking the disease which they obtrude upon public notice only in its accidental connection with Home Rule. Home Rulers never consider whether it is beyond the reach of the human intellect to invent for the House of Commons a more rapid mode of voting; whether it might not be expedient to limit the length of parliamentary speeches; or whether a suggestion made by so intelligent a Conservative as Lord Salisbury, namely, that a Bill debated in one session might, though not finally carried into an Act, be with advantage further considered in the next Session, may not deserve attention. Never does any Home Ruler, or Radical, propose, as he well might do, devolution of parliamentary powers to bodies undoubtedly subordinate (such as County Councils, or conceivably Councils including several counties) which neither would nor could defy the supremacy of Parliament. It is a suspicious circumstance that the devolution favoured by our Home Rulers is invariably devolution to some authority, such as a

new Irish Parliament or a revived Parliament of Scotland, which by its very name and traditions will be tempted into conflict with the Imperial Parliament.

3. The actual Home Rule Bill of 1912 does not secure that its eccentric form of Home Rule for Ireland shall materially relieve the labours of the Imperial Parliament at Westminster.

In the mouth of a modern Home Ruler the cry for Devolution is, in short, conscious or unconscious cant.

ARGUMENT 3.—*From the success of Home Rule as Federalism.*¹

The argument in favour of uniting Great Britain and Ireland under some form of federal government consists of two entirely different lines of reasoning. They ought to be carefully distinguished, and each requires a separate answer.

I. *The Old Line of Reasoning*

Many Gladstonians in 1886 argued that the establishment of a federal relation between Great Britain and Ireland would give Ireland, as the member of a confederacy, the kind of Home Rule which she required, namely, the right to manage purely Irish affairs, and would also be a practical recognition of Irish Nationality; whilst it would not diminish, but might even, as regards the affairs of the whole Empire, increase the authority of England.² Nor was this idea unnatural to statesmen who had

¹ See *Federalism and Home Rule*, by "Pacificus"; Dicey, *England's Case against Home Rule*, 3rd ed. chap. vii.; *Home Rule as Federalism*, pp. 160-99. Contrast Childers, *Framework of Home Rule*, chaps. i. to ix., and especially chap. x.; *Federal or Colonial Home Rule*, pp. 189-203.

² This idea lay at the basis of the Home Rule Bill of 1886.

not studied minutely the working of federal institutions and were impressed by the success of the United States during the War of Secession in asserting their national unity, as well as by the way in which the victory of Germany in the war of 1870-71 enabled Germany, as a federated Empire, to become, for the first time in history, a powerful and firmly united country. The success of the Federal Constitution framed for Canada, and at the wish of Canada, already showed that a federation of Colonial States might be as willing to recognise the authority, if prudently exercised, of the Crown, *i.e.* of the British Government and British Parliament, as any single self-governing Colony or Dominion; and this satisfactory conclusion has been confirmed by the relation established between England and the Australian Commonwealth, and between England and the Union of South Africa.

Answer.—The idea, however plausible, that the demand of Ireland for Home Rule can be met by creating some federal relation between Great Britain and Ireland is open to the gravest objections.

1. Federalism by its very nature means the division of political power between the Federal Government and the Government of every State belonging to the Federation, and such division would from the nature of things, be a source of weakness to the country which is now the United Kingdom of Great Britain and Ireland.

2. A Federal Government, at any rate as carried on by Englishmen, or under the influence of Englishmen, must of necessity be a Government in which the decision of political or constitutional questions is left, to a great extent, to the law courts, and such a Government can flourish only among people thoroughly imbued with the spirit of legalism. No one can assert that deference for law, as enunciated by the law courts, is a marked characteristic of Irishmen, and in a federation con-

sisting of Great Britain and Ireland the supreme Federal Court would necessarily be, in fact, a British or an English court, and no man of judgment can expect that Ireland would be specially zealous in obeying the judgments of a Federal Court which Irishmen felt to be an English tribunal. Nor can any fair-minded Englishman feel sure that the judgments of a Federal Court, if they went against the view of federal law entertained by English lawyers and in favour of the view adopted by Irish lawyers, would always meet with full acceptance in England.

3. Federal Government inevitably, and from its very nature, creates divided allegiance. As the history of the American War of Secession shows, even military officers of the highest honour and the highest sense of duty, though educated in the military school of the United States, and though they had received their commissions from the Government of the United States, yet were distracted by doubts whether they owed allegiance to the United States or to their own State. General Lee felt that duty demanded of him absolute loyalty to his own State of Virginia. General Scott felt that duty demanded of him loyalty, not to his own Virginia, but to the United States. Each officer followed the dictates of his conscience; each of them was placed in a position where his conscience was distracted by doubts as to whether his allegiance was primarily due to the United States or to Virginia.

4. Federalism, wherever it can really flourish, must be a step towards national unity; it is not a device properly fitted for relaxing the consciousness of common patriotism.

5. There is the gravest reason to doubt whether the grant to Ireland of the position occupied by the State of a Federation would really meet the desire, such as it is, of Irishmen for Home Rule. The

statesmen, such as Gladstone, who thought that Great Britain and Ireland could form, as they were intended to do under the Home Rule Bill of 1886, a federal union of which the one State would be Great Britain and the other State would be Ireland, seem never to have realised that the power of the Federal Government would seem in reality, to Ireland, the very supremacy of England from which Irish Nationalists desire to escape.

The ablest apology for Irish Home Rule which has appeared is assuredly Mr. Childers's *Framework of Home Rule*. He establishes to his own satisfaction, and I believe to that of his readers, that Ireland is a country quite unprepared and unfit to adopt a system of Federalism.¹

"There is . . . no question," he writes, "of Federal Home Rule, and the term 'Federal,' as applied to Irish Home Rule at the present time, is meaningless. Nor can the coming Bill for Ireland make any preparation technically for a general Federation. Morally, as I shall show, it might have an important effect in stimulating local sentiment, not only in England, Scotland, and Wales, but in Ireland, towards a general Federation in the future; but in its mechanical structure it must be not merely non-Federal, but anti-Federal.

"The Bill, I repeat, must be anti-Federal, centrifugal. In the case of Ireland we have first to dissolve an unnatural union, and then to revive

¹ I am most anxious to do justice to Mr. Childers. He is an ardent Home Ruler, and, as far as I can judge, he thinks that at some future time the formation of some great federal system for the government of the Empire may be expedient. He, to my surprise, supports the present Home Rule Bill (see "The Home Rule Bill and the Unionist Alternative—A Contrast," *Contemporary Review*, June 1912, p. 771). But not only the sentences I have quoted, but the whole tenor of his book, which I recommend every Unionist to read, proves that he does not believe that Home Rule, as Federalism, can meet the wants of Ireland.

an old right to autonomy, before we can reach a healthy Federal Union.”¹

II. *The New Line of Reasoning*

Some Imperialists of to-day advocate Home Rule for Ireland as the first step towards building up a grand Federal Constitution for the whole Empire, or at any rate for Great Britain and her self-governing Colonies. The Home Rulers of 1886, if they were in any way in favour of Federalism, advocated a Federal Government as the best means of giving to Ireland a kind of Home Rule which was suited to her circumstances and which preserved her special connection with Great Britain. The difference between the two views can hardly be exaggerated. The Imperialist of to-day, when he is also a Home Ruler, wishes to make Ireland one among the many States of an Imperial Federation and flatters himself that Irish Home Rule is a step towards Federal Unity.

It is difficult for any ordinary Unionist of common sense to state the line of reasoning which is supposed to support the paradox that to relax the bond of political union between Great Britain and Ireland is the statesmanlike method for forming a closer federal union between the different parts of the British Empire. The ingenuity, the plausibility, and the vagueness of “*Pacificus*” have never made clear to his readers why the unity of the British Empire should be increased or created by the disunity of the now United Kingdom. It is worth while, however, to note that this strange procedure for unifying the Empire generally and logically

¹ Childers, pp. 200, 201. I hope that my readers will carefully peruse Mr. Childers's pages 192-203 on Federal Home Rule as a solution of the Irish Question.

leads its advocates to breaking up the United Kingdom into at least four different States, viz. England, in the narrowest possible sense of that word, Wales, Scotland, and Ireland, each of which States will presumably possess a separate Cabinet and a separate Parliament, and all of which will be subject to some as yet uncreated and almost unimagined supreme Federal Parliament. A just critic, however, must suppose that those Imperialists who, in regard to Ireland, are both Home Rulers and Federalists, have adopted two somewhat singular beliefs. The one is that a Federal Government is, in itself, an improvement upon every other form of popular government; the other is that Federalism, when once introduced into the United Kingdom, will, by its own excellence, commend itself to all the countries of which George V. is sovereign.

Answer.—My criticism on this, to me almost incomprehensible creed is that it is, at bottom, a delusion, and a delusion dangerous not only to England but to the whole British Empire.

This form of Imperialism which treats the grant of Home Rule to Ireland as the first step towards the increased unity of the Empire is a delusion because it does not even tend towards fairly meeting the wants of Ireland which have given rise to the demand for Home Rule. It is a delusion, further, because the attempt to deal at once with the problem of granting Home Rule to Ireland, and the problem of creating a new constitution for the Empire, makes the solution of either problem all but an impossibility. It is admitted on all sides, and by Irish Home Rulers urged with emphatic vehemence, that the condition of Ireland is in every sense peculiar, and that historically she has suffered from an accumulation of difficulties and disasters both greater and more complicated than the perplexities or the misfortunes which have impeded the progress of any other

civilised country in Europe.¹ It is hardly conceivable that the terms of federation which should meet the necessities and the desires of Ireland would be suitable to the wants and desires of, say England, Wales, and Scotland; it is even more strictly inconceivable that the terms of federation which would be suitable to all the States of the federated Empire, *e.g.* the Canadian Dominion, the Australian Commonwealth, or the Dominion of New Zealand, would meet the wishes of Irishmen. The perplexities presented by Irish Home Rule have as yet received no intelligible solution except the solution to which all Unionists adhere, namely, the maintenance of the political unity of the United Kingdom and the determination to govern each part of the United Kingdom with equal justice. I do not ask that any Home Ruler should accept the fundamental doctrine of Unionism. What, as a man of sense, I do ask is that the question of Home Rule for Ireland should not be still further confused and complicated by muddling it together with the attempt to make Irish Home Rule the stepping-stone towards Imperial Federalism.

The delusion that the disuniting of the United Kingdom will turn out to be a method for increasing the unity of the British Empire is full of dangers; and they are numerous. Two of these dangers deserve special notice: the first is that Imperialists should be led, in their zeal for the unity and the strength of the Empire—a sentiment which I completely share—to overlook the immense difficulty of constructing a Federal Constitution for the British Empire, or even for the United Kingdom and for England's self-governing Dominions. This is a task which demands the genius, and, one must add, the singular good-fortune which, in the circumstances of the time, were granted by Providence to the great statesmen

¹ See Sydney Brooks, *Aspects of Home Rule*.

of England and of Scotland who in 1707 created that glory of British statesmanship, the United Kingdom of Great Britain, and to the even greater statesmen of the thirteen independent and allied Colonies who in 1787 created the United States of America. This combination of statesmanship and of happy opportunity is a blessing on which no country can confidently count. Nor let it be forgotten that the attempt in any formal manner to turn England and her self-governing Colonies into a Federal State is, if attempted rashly, or in untoward circumstances, certain to raise the most dangerous of questions. Some of these inquiries need only be mentioned in order to exemplify the difficulty and the perils which they will create. What is to be the relation of India to the new Federal Power? What will be the relation of the Colonies which are not, as yet, self-governing Dominions? Are such countries as the Canadian Dominion or the Australian Commonwealth willing to surrender to the Federal Government their unlimited power of self-taxation? Is the existing Imperial Parliament to be increased by the addition of members from each of the Dominions, or is the ordinary Parliament at Westminster to sink into a local English Legislature and hand over its supremacy to some new-fangled Federal Parliament representing the whole Empire? To ask these questions is to prove, not the impossibility, but the extreme difficulty of giving to them any satisfactory reply.

The second of the two dangers inherent in the Imperialistic delusion is that zealous Imperialists should overlook the fact, full of hope though it be, that the unity of the Empire does not require the formation of a brand-new Constitution. I yield to no man in my passion for the greatness, the strength, and the unity of the British Empire. As a stern Imperialist I approved, and do approve, of the war in South Africa which forbade secession; but, as a

student of the British Constitution, I venture to assert that the Constitution of the Empire ought to develop, as it is actually developing, not by arduous feats of legislation, but by reasonable understandings between England and the Dominions, and, as far as possible, between England and the Colonies which are not as yet self-governing countries. There are two objects which every Imperialist has in view. The first is that each part of the Empire should contribute in a fair measure towards the defence of the Empire. The British taxpayer cannot, and certainly will not, go on for a long or for an indefinite period paying the whole cost of Imperial defence. The second object is to provide for consultation between England and her Colonies. The Dominions cannot go on for a long or indefinite period bearing the risks of Imperial wars without having a voice in the decision whether such wars should be begun or not, or on what terms they should be brought to an end. The whole aim of British and of colonial statesmen should be, and I fully believe is, to come on these two points to a satisfactory understanding. Imperial statesmanship is rapidly advancing in the right direction. Within a few years the system of Colonial Conferences in England and other modes of intercommunication between England and her Colonies will, one may hope, have resulted in understandings which may regulate the contribution of the Dominions towards the defence of the Empire, and determine the best methods for consulting the Colonies on the policy of any war which has an Imperial character. No doubt there will incidentally arise other questions, political and fiscal, which will call for decision ; but the two objects of statesmanship which I have insisted upon are the matters of primary and supreme importance. Everything else is secondary and subordinate. An Imperial Constitution, based on good-will and fair understandings, may easily provide for the decision of every question,

whether great or small, which vitally concerns the interests of the Empire, and such a Constitution may well come into real existence before Englishmen have realised that the essential foundations of Imperial unity have been laid; it may be created—it is, I venture to say, in the course of creation—with no change, or with little change, in any colonial or British statute. If any one asks for the grounds of my belief, my answer is, that if my hopes and expectations are fulfilled, the Constitution of the Empire will have grown up rather than have been created; it will, like the Constitution of England itself, be found not to rest on parliamentary statutes, but upon a course of gradual and often unnoted development.

ARGUMENT 4.—*From the success of Home Rule as colonial independence.*¹

The relation between England and her self-governing Colonies or Dominions has for the last fifty or sixty years, at any rate, worked admirably. The relation, on the other hand, between England and Ireland has been for centuries unsatisfactory, though, as every Unionist fully believes, the relation between the two countries under the Act of Union (1800-1913) has been on the whole better than at any other period. From these facts the inference is naturally enough drawn that the difficulties of the Home Rule question can be met by giving to Ireland the position of a Dominion—such, *e.g.*, as New Zealand. This position is maintained elaborately in Mr. Childers's *Framework of Home Rule*. He maintains "that it would be fair and right to place a Home Ruled Ireland in the position of a self-governing Colony, with a moral obligation to contribute, when her means permit, and in proportion to her means, but without a statutory and compulsory

¹ See Childers, pp. 198-229, and especially pp. 200-202, 203-217, with which compare Dicey, *England's Case against Home Rule* (3rd ed.), pp. 197-218.

tribute.”¹ In his treatise he carries his doctrine to its logical result—namely, first, the total exclusion of Irish members from the Parliament at Westminster (which is to have the same Imperial supremacy over Ireland as over New Zealand), and, secondly, the freedom of Ireland from all legal liability to contribute towards the defence of the Empire. Up to a certain extent I have for more than twenty-five years felt the force of the kind of argument put forward by Mr. Childers. I have always admitted that “the colonial system remains, in spite of its immense defects as a scheme of Home Rule for Ireland, out and out the least objectionable of the models which have been proposed to us for our imitation,”² and have insisted upon the necessity (if colonial independence should be tried) of carrying the experiment out with consistency, viz. by the total exclusion of Irish members from the Imperial Parliament and by releasing Ireland from all Imperial taxation.³

Answer.—The reason why to most Englishmen it is all but impossible to expect that the endowment of Ireland with the colonial independence of New Zealand will produce the happy and prosperous connection which exists between England and her Dominions may be summed up in one sentence: The conditions which have made the independence of New Zealand a blessing both to the mother-country and to herself do not exist in the case of Ireland. This statement, however, needs further illustration.

Compare, then, the circumstances which, in the

¹ Childers, p. 217. On what grounds Mr. Childers defends, in the *Contemporary Review* of June 1912, p. 777, the Home Rule Bill of 1912, which is opposed to the principles of colonial independence, as expounded by him, I do not profess to understand.

² *England's Case against Home Rule*, p. 215.

³ *Ibid.*, p. 217. With all its evils colonial independence is, I believe, far preferable to any scheme of Home Rule which has as yet been proposed for Ireland, and certainly preferable to the Home Rule Bill of 1912.

case of New Zealand, have made the English colonial system a very noteworthy, though not absolutely perfect, success as regards her relation to England with the conditions, in the case of Ireland, which make it in the highest degree improbable that the application of the same system should, as regards England's relation to Ireland, lead to anything but failure.

New Zealand is situate thousands of miles away from England. New Zealand is, like most of our Dominions, a new, a wealthy, and a prosperous country. The European settlers in New Zealand are not divided among themselves into hostile factions the mutual hostility whereof is embittered and increased by differences of race, of religion, and of historical traditions.¹ Above all, there is no hostility between New Zealand and England. Hence the English colonial system admirably suits the two countries. New Zealand enjoys as much of independence as is compatible with her forming part of the British Empire. This independence increases day by day. The Imperial Parliament imposes not the slightest taxation upon New Zealand. New Zealand, on the other hand, claims no grants from the Exchequer of the United Kingdom. Not a single member from New Zealand sits, or ever has sat, in the Parliament at Westminster. No doubt Parliament occasionally, though very rarely, and with very great unwillingness, may pass Acts which affect New Zealand, and the Crown—which means, in effect, the British Cabinet—occasionally, though with great and increasing unwillingness, may veto Acts of the New Zealand Parliament

¹ The limited number of Maoris, now about 43,000, are becoming gradually assimilated to the colonists, and are better governed than are most of the aboriginal native races in countries where political power lies in the hands of European settlers. Differences of race have in any case little to do with the public life of New Zealand.

which more or less directly interfere with the policy of England on some point of Imperial importance. England and the colonists alike know that the relation between England and a Dominion must be regulated on a common system of give and take. But, as things now stand, the giving or the concession generally comes from the side of England, whilst the "taking," which really means the claiming of further independence, comes from the side of New Zealand. The plain truth is that the Parliament of neither country is at all tempted to interfere with the affairs of the other. Our colonial system does not work perfectly. Occasionally England is, in some Dominion or other, compelled to shut her eyes to conduct on the part of the Government or the people of a self-governing Colony which would be strictly intolerable¹ if pursued by any European country under the rule of George V. It is possible, in other words, for the Government of England to leave generally the maintenance of public order in, *e.g.* New Zealand, wholly to the Ministry and Parliament of New Zealand, whilst, if public order were disturbed—which is hardly credible—in the Isle of Man, the British Government might find it necessary to interpose for the maintenance of peace. Here, as elsewhere, the duties of a Government are measured by the extent, not of its theoretical, but of its actual power. Assuredly the Government of the United Kingdom may be trusted in all matters that concern any Dominion, to lean strongly—some critics would say too strongly—towards the policy of non-interference. However this may be, the Imperial Parliament assuredly does not discourage, but rather hails with immense satisfaction the willingness of every Dominion to provide for its own defence, and looks upon such provision as a step towards the unity of the Empire. In plain truth the relation between

¹ See p. 48 *post*.

England and her Dominions is, owing to the favourable conditions I have mentioned, on the whole admirable. Our system of colonial self-government is the last and greatest triumph of *laissez faire*. This doctrine of letting things alone was, some sixty years ago, the subject of exaggerated eulogy. It is now the mark of far more exaggerated and indiscriminating censure. But it has in our Dominions produced its perfect work. It has assuredly in New Zealand, as elsewhere, removed most causes of irritation or dispute between England and her self-governing Colonies. This removal has had an effect which the original advocates of *laissez faire* could not foresee. It has given the opportunity for the spontaneous growth of that sane Imperialism which is based, not on mere sentimentality, but on the recognition of patent facts. We in England are perceiving that the greatness and strength of the Empire may preserve for us a freedom and independence which may easily be menaced by the huge armies and navies of modern European States. Our colonial fellow citizens are coming to see that the greatness and strength of the British Empire is the security for the peace, for the liberty, and for the independence of each and all of the self-governing Colonies of the British Crown.

Turn now from New Zealand to Ireland.

Ireland lies not quite sixty miles from England ; a traveller from London may easily reach Dublin in nine hours. Ireland is situate within some twenty miles of Great Britain. Ireland is, by the unkindness of nature, a poor country. Even a fanatic for Home Rule can hardly maintain that any constitutional revolution will give her natural riches, or endow her with coal-mines. A judicious but candid Home Ruler gravely doubts whether the acquisition of the whole land of Ireland by Irish tenants will of itself avail to save the mass of the Irish people from crushing poverty. Ireland

is divided into parties which hate one another with a hostility grounded on differences of wealth, on differences of race, on terrible historical traditions, and on different and opposed political ideals. Ireland has for more than a century sent members—and for certainly more than half a century sent more than her fair share of members—to the Imperial Parliament. Ireland has been accustomed to take her part in the defence of the Empire. Ireland has also received, especially during recent years, vast aid from the Imperial Exchequer. The whole policy of Land Purchase cannot possibly be carried out without gigantic loans made by British taxpayers for the advantage of Irish tenants. How can any man seriously maintain that this condition of things has any likeness to the condition of any of our Colonial Dominions? Surely if ever there were a case to which the policy of merely letting things alone were inapplicable it is supplied by the relation between England and Ireland. Englishmen know instinctively that, while the national independence of New Zealand would not materially endanger the power of England, the national independence of Ireland might be a deadly peril to England. Few indeed are the English Home Rulers who would even hear for a moment of complete separation. The present Home Rule Bill deprives Ireland of any control over an Irish army. English electors would fight very shy of any scheme for raising a Territorial Force¹ which would, in substance, be an Irish army. Could England, in the case of a foreign war, tolerate an Irish Parliament which declared its sympathy with our foreign foes? Are Irish Nationalists themselves prepared to face the consequences of Colonial Home Rule? I greatly doubt it. They are, as a matter of fact, demanding that the British taxpayer shall pay £2,000,000 per annum to give Home Rule a

¹ See pp. 99-102, *post*.

chance of working successfully, and of retaining any popularity in Ireland. Already Nationalists perceive that the credit of the United Kingdom is absolutely necessary for carrying out the policy of Land Purchase. Add to all this that Belfast hates the Home Rule which the populace, at least of Dublin, applaud. I do not wish here to force further a consideration which I shall have to develop in my criticism of the Home Rule Bill of 1912.¹ Whilst I believe that Home Rule as in New Zealand is by far the most promising form of Home Rule for Ireland, I doubt whether a single Home Ruler, either in Ireland or in England, dares to welcome such Home Rule. If such a man can be found, he will be a dreamer who mistakes hopes for certainties, and is ready to enter into the pleasing but dangerous realm known as a Fool's Paradise.

¹ I use the name by which the Bill is now known.

CHAPTER II

THE NEW CONSTITUTION

SCHEME OF ARGUMENT.—The Home Rule Bill, 1912, it is said, creates a new Irish Constitution.¹ This statement is misleading. The Bill in truth creates, as did the Home Rule Bills of 1886 and 1893,² a new Constitution for the whole of what is now the United Kingdom. This Bill, further, may, in consequence of the Parliament Act, 1911,³ pass into law even though it be thrice rejected by the House of Lords, and—a matter of far greater consequence—even though it may not have obtained the sanction of the electorate of the United Kingdom. The Government, meanwhile, all but avow the intention to pass the Bill without having submitted it to the electors by a Dissolution for their approval or rejection.⁴ And this policy of neglecting or overriding the will of the people is to be carried out in the face of the

¹ See *The New Irish Constitution*, edited by J. H. Morgan.

² See *A Leap in the Dark*, 2nd ed. chap. i. No "Bill," a reader should bear in mind, as contrasted with an "Act," in strictness "creates" anything, or produces any legal effect whatever. I have, however, constantly throughout this book treated the Home Rule Bill as producing the effect which it will produce if turned into an Act of Parliament. The expressions, *e.g.*, "the Home Rule Bill creates," or "the Home Rule Bill enacts," must be read as meaning "the Home Rule Bill will, if it becomes the Home Rule Act, create or enact," etc.

³ See, as to the effect of the Parliament Act, *Rights of Citizenship*, chap. iv., especially pp. 87-91.

⁴ This intention is the inevitable inference from the refusal of the Government to give any pledge that a Dissolution shall take place before the Bill is submitted to the King for his acceptance. A reader unacquainted with the Parliament Act must note that

fact that the people of the United Kingdom have twice formally and undeniably condemned the whole policy of Home Rule. In these circumstances my criticism of the Bill will take a peculiar form. I shall not here discuss the general, and for the moment unimportant, question whether some conceivable form of Home Rule might or might not be reasonably granted to Ireland by the Imperial Parliament. What I shall discuss is the advisability of passing into law the specific Home Rule Bill which our Ministers have been forcing through the House of Commons. I shall, however, not even endeavour to examine the greater number of the hundred and more objections which can be urged against one part of the Bill or another. I shall insist upon the truth of two criticisms alone. The first is that the Bill gives to England no one of the advantages promised to her by Home Rulers; the second is that the Bill threatens the gravest dangers to England, or rather to the whole of the United Kingdom. The establishment of these conclusions provides to every one but an extreme Irish Nationalist decisive reasons for the rejection of the Bill.

FIRST LEADING PROPOSITION.—THE HOME RULE BILL GIVES NO BENEFIT WHATEVER TO ENGLAND.

Few, indeed, are the Englishmen who hold that Home Rule is in itself desirable. Ministerialists, however, and the great body of English Home Rulers, assert, and for the most part believe, that the Home Rule Bill, 1912, will confer at least three benefits on England, or (if you prefer the expression) Great Britain. These are the maintenance of the supremacy of the Imperial Parliament¹; the relief of

the occurrence of a Dissolution will not, under the Parliament Act, section 2, make it necessary to bring in a new Bill supposing the newly elected House of Commons is still prepared to support the Home Rule Bill.

¹ That is, the Parliament now sitting at Westminster, and modified as to its constitution by the provisions of the Home Rule Bill.

the Imperial Parliament from the consideration of Irish affairs and the evils of Irish intrigue; the final settlement of the Irish question, *i.e.* the reconciliation of England and Ireland, or the so-called "Union of Hearts."

My contention is that England will, under the Bill, not obtain any one of these benefits.

(A) THE BILL DOES NOT MAINTAIN THE SUPREMACY OF THE IMPERIAL PARLIAMENT¹

The Bill on its very face definitely enacts that, "notwithstanding the establishment of the Irish Parliament, or anything contained in this Act, the supreme power and authority of the Parliament of the United Kingdom shall be unaffected and undiminished over all persons, matters, and things within Ireland and every part thereof." The Bill also provides that, after the passing of the Home Rule Bill, the Imperial Parliament shall have power to enact laws for Ireland, and that the Irish Parliament shall not have power to repeal or alter the provisions of the Home Rule Act, except as provided in that Act, or to repeal or alter any Act of the Imperial Parliament passed after the passing of the Home Rule Act.² The supremacy, therefore,

¹ See *England's Case against Home Rule*, pp. 197-211, especially as to great extent of Colonial Independence; *A Leap in the Dark* (2nd ed.), pp. 22-31; Dicey, *Law of the Constitution* (7th ed.), pp. 98-116, and compare as to limitations on every sovereign power, *ib.* pp. 74-82; Pollock, *New Irish Constitution*, pp. 81-5; *Parliamentary Debates*, June 18, 1912, Asquith as to Irish Parliament, cols. 1567, 1568; June 19, 1912, especially Asquith, col. 1742; and see July 1, 1912, as to the expression "subordinate" in regard to Irish Parliament, Solicitor-General, col. 805.

² See Bill, cl. 41. The broad effect of this clause will be that the Parliament of the United Kingdom (which may be termed the Imperial Parliament) will, after the passing of the Act, have, in theory at least, unlimited power to legislate for Ireland, but that the Irish Parliament will have power to repeal any Act of the Imperial Parliament passed before the day on which—*e.g.*

of the Imperial Parliament is, in words at least, distinctly retained. But I confidently contend that the supremacy of the Imperial Parliament will virtually and in truth (but for one purpose to be hereinafter explained)¹ be destroyed as regards Ireland from the moment that the Home Rule Bill passes into law.

This assertion needs justification. The term "supremacy of the Imperial Parliament" is ambiguous, and bears a totally different meaning as regards different parts of the King's dominions.

Such supremacy now means, as regards England, Scotland, and Ireland, the possession by Parliament of as much power as can in fact fall to any sovereign, however despotic. Our Parliament can and does exercise throughout the United Kingdom authority as wide and as great as ever was wielded in France by Louis XIV. or by Napoleon I.² This assertion may startle an ordinary reader not accustomed to consider the strict meaning of legal terms. To a trained constitutionalist it is a mere truism, and amounts simply to saying that the Imperial Parliament can, not only in theory but in fact, pass any law which it sees fit to pass in regard to any part of the United Kingdom, and can there use for the enforcement of such law the whole authority of the State and give effect to it by the law courts, the

May 14, 1914—the Home Rule Bill is passed and becomes the Home Rule Act. Hence, take the following illustration: The Irish Parliament may repeal the so-called Crimes Act (the Criminal Law and Procedure (Ireland) Act, 1887, 50 & 51 Vict. c. 20); but the Imperial Parliament may immediately re-enact it, and the Irish Parliament cannot then repeal it. So, too, the Imperial Parliament might repeal the whole or any part of the Home Rule Act, and the Irish Parliament would have no legal power to re-enact or to revive the Act.

¹ See pp. 43, 44, *post*.

² I, of course, bear in mind that even so-called "absolute sovereignty" is always limited by certain external or internal restrictions. As to such limitations see *Law of the Constitution*, 7th ed. pp. 74-82.

police, and the army. Parliament, in short, constitutes the true Government of the United Kingdom.

This supremacy of the Imperial Parliament extends in theory to every country whatever that is subject to the King of England. But in the self-governing Colonies, or Dominions, such as the Dominion of New Zealand, or the Australian Commonwealth, the expression has in fact a very different meaning from that which it bears in relation to the United Kingdom. In New Zealand, for example, the supremacy of the Imperial Parliament signifies little beyond the limited, and rarely exercised, power of the Parliament at Westminster to legislate occasionally for New Zealand, or in the name of the Crown to veto, through the English Cabinet, an Act passed by the Parliament of New Zealand. But this power, as is well understood, will be exerted only when New Zealand desires its exertion, or in those very rare cases when the action of the Imperial Parliament is absolutely necessary for the protection of Imperial interests. Then, too, there are many laws which, in regard to any Dominion, the Imperial Parliament will never pass, or, to speak plainly, has not the power to pass. No English statesman will ever advise the Parliament at Westminster to impose by its own authority a penny of taxation upon New Zealand. The Imperial Parliament will never change the Constitution of the Australian Commonwealth, except at the desire of the people of the Commonwealth. No doubt the Crown, acting on the advice of a British Ministry, will occasionally veto, in one way or another, a Bill passed by the legislature of New Zealand. But such a step is nowadays rarely taken unless a proposed colonial law is inconsistent with some Imperial statute applying to the colony, or directly interferes with the interest and policy of the Empire. Within what narrow limits the nominally supreme power of Parliament will be employed to the

hindrance of colonial legislation is shown by one significant fact. For fifty years and more, prior to 1906, England has heartily accepted the whole principle of Free Trade. But the English Parliament has not denied to any self-governing Colony the right to impose protective duties on imports, even when those duties told against England.

The ambiguity of the term "supremacy of the Imperial Parliament" needs no further illustration; but it raises, with regard to the Home Rule Bill, this serious question: What meaning is to be attached to that "supremacy of the Imperial Parliament" which the Bill is supposed to maintain or secure? Does it mean the full sovereignty now exercised by Parliament throughout the United Kingdom, or does it mean the limited, the almost theoretical, and the constantly declining authority exercised by the Imperial Parliament in New Zealand? Or, lastly, does it mean some undefined power less than the Imperial Parliament now exercises in every part of the United Kingdom, but a good deal greater than the authority which the Parliament at Westminster in fact exercises in New Zealand or the Australian Commonwealth? Common sense requires that the Home Rule Bill itself should give a clear answer to an inquiry on which the whole colour of the measure depends. But the Bill gives no such reply, and the policy of the Coalition by whom we are governed will not admit of any clear answer being given. The fairest answer a constitutionalist can give may be expressed as follows: The Home Rule Bill clearly takes away, and is meant to take away, most of the authority which the Imperial Parliament can now exercise in Ireland. That absolute supremacy or sovereignty which Parliament now exercises throughout the United Kingdom is assuredly destroyed by the Home Rule Bill. Every member of Parliament, if he is a man of average intelligence, must know, and every elector

throughout the United Kingdom ought to know, that under the Bill ¹ the sovereignty of the Imperial Parliament in Ireland will suffer an immense diminution. But we must go a step further than this, and acknowledge that divers and contradictory views are maintainable as to the amount of authority in Ireland which the Bill leaves to the Parliament at Westminster. There exists on this point a most ominous and enormous difference of opinion. Many English Home Rulers, and, it may be, some Unionists, persuade, or try to persuade, themselves that, under the Home Rule Bill, the Imperial Parliament is intended to retain something like the substance of sovereignty, and to interfere actively in the government of Ireland whenever it appears to the Parliament at Westminster (which must from the nature of things be in the main an English Parliament), that such interference is desirable. Politicians who take, or affect to take, this view hold that the Bill gives to Ireland a strictly subordinate Legislature, and, I must add, a subordinate Executive, liable at any moment to find their action controlled by the Parliament and the Government of England. This, however, is not the view held by Irish Nationalists or by clear-headed Unionists, or, as far as I can understand the diplomatic ambiguities or prevarications of Ministers, by Mr. Asquith, or his colleagues. Irish Nationalists will hardly tell the electors who have sent them to Parliament that the tradition of the legislative independence of the Parliament of Ireland which Molyneux, Flood, Grattan, and O'Connell handed down to Parnell has been formally surrendered by the Home Rule Bill of 1912, and surrendered by Nationalists at the very moment when the representation of Ireland at Westminster is to be reduced below the number of members which she could claim as part of the United Kingdom. Irish members will surely not

¹ See note 2, p. 33, *ante*.

announce at Dublin that they have in the Home Rule Bill acknowledged the Irish Parliament's legislative subordination to England.

Nor can Irish Nationalists greatly be blamed if they speak much more plainly of the consequences than of the words of the Home Rule Bill. For Nationalists assuredly hold that the Home Rule Bill will give to Ireland something coming near to colonial independence, and that Ireland will by means of the Home Rule Bill obtain, and perhaps at no distant date, as much independence as can be possessed by any country which forms part of the British Empire. Nor ought any clear-headed Unionist to blind himself to the fact that this may most probably be the effect of the Home Rule Bill, nor fail to observe that Ministers to whom ambiguity is a necessary feature of their policy have in every way that was possible by the arts of diplomatic mystery and of dubious candour, tried to favour, though not absolutely to endorse, the interpretation of the Bill which approves itself to the Nationalists or Separatists who keep the Ministry in office. Whereas Gladstone, for example, refused to the Irish Legislature the name of a "Parliament," Mr. Asquith holds that no other name is sufficiently dignified for that Irish Legislature which he is about to create or revive. Ministers, again, distinctly refuse to let the Bill contain the term "subordinate" in connection with the Irish Parliament, and their very able Solicitor-General is put forward to explain, with his usual lucidity, that it was not desirable¹ to make the meaning of the Bill plain in reference to an important point on which its expressions are admittedly ambiguous. Perhaps, after all, my friend Sir John Simon is right. The Home Rule Bill is one of those measures made to pass and not made to work, and I fully admit the possibility that a little clearness of expression might at any moment have made it

¹ See *Parliamentary Debates*, July 1, 1912, cols. 805, 806.

impossible that the Home Rule Bill of 1912 should fulfil the object of its creation, namely, the getting through Parliament.

The plain truth is that, if English Home Rulers are sincere in their determination to maintain the supremacy of the Imperial Parliament, then they ought, in common honesty, to call the Parliament of Ireland by its proper name, namely "a subordinate legislative body." If they do not mean that the supremacy of the Imperial Parliament shall be in fact maintained, then they ought to cease from professing to maintain it. In any case, it is madness for Ministers to try to soothe the fears of Unionists by canting about the maintenance of the Imperial Parliament's supremacy and at the same moment encourage the hopes of honest Nationalists by refusing to call the Irish Legislature "subordinate," and by decking it out with the name of a Parliament whereof every tradition points towards independence at least as complete as that of New Zealand. No doubt the ambiguities of the Bill will cause deception, but the dupes of Ministerial diplomacy will probably be English Home Rulers. The cynicism of official Liberalism may apply to them the maxim *populus vult decipi et decipiatur*.

It is a comfort to turn from the oracular obscurities of parliamentary politicians to the plain language of so eminent a constitutionalist, and now so convinced a Home Ruler, as my friend Sir Frederick Pollock:

"Whenever [he writes] Home Rule is enacted and established for Ireland, Parliament must harden its heart against all endeavours, from whatever quarter they may proceed, to obtain any alteration in the scheme save as it may be required by the regularly expressed will of Ireland as a whole. *This should be an understanding outside and above all party divisions, British or Irish; and it is equally*

*necessary whether or not a certain number of Irish members continue to sit at Westminster."*¹

These words mean that the supremacy of the Imperial Parliament will, under the Home Rule Bill and as regards Ireland, have vanished away. The Imperial Parliament will have lost the moral right to change, on its own authority, a single word of our new Constitution. The authority of Parliament is, in Sir Frederick Pollock's opinion, in no sense increased by the presence therein of members from Ireland. His language, moreover, implies to my ear more than his words directly express. He thinks, as a Home Ruler, that the spirit of the Bill must be strictly observed, and that the Imperial, or in truth the British, Parliament must not, under a system of Home Rule, interpose to prevent legislative or executive action of the Irish Parliament or the Irish Government which is not strictly opposed to the words of the Bill itself, and that England must not interpose even to prevent action of the Irish Parliament or the Irish Cabinet which the vast majority of Englishmen may feel to be impolitic and unjust. Sir F. Pollock's interpretation of the Bill is a fair one from the Home Rule point of view, and may give the only chance of a system of Home Rule in Ireland attaining any tolerable success. Whether Englishmen will ever display the excessive tolerance of conduct which they hold to be unwise and iniquitous is a question which I will not at this point of my argument consider. All that I here press upon my readers is that the Home Rule Bill is clearly intended by Home Rulers, and by a Government of Home Rulers, to destroy that

¹ "The Judicial Committee," etc., by Sir F. Pollock—in *The New Irish Constitution*, p. 85, edited by J. H. Morgan. Sir Frederick Pollock's language may be sound political advice. I do not unreservedly agree with it as a statement of constitutional law. I have myself underlined an important sentence.

supremacy of the Imperial Parliament which it hypocritically preserves. A policy based on ambiguity or equivocation is full of danger. An agreement between England and Ireland to which Englishmen already give one interpretation and Irishmen give another can beget nothing but discord. The supremacy or sovereignty of the Imperial Parliament,¹ which for centuries has been the strength of our whole system of government, will be transformed by the Home Rule Bill into a delusion which may easily become the most dangerous of snares. Many Unionists will add that the nominal maintenance by the Home Rule Bill of the supremacy of the Imperial Parliament is not worth the paper on which the Bill is written. From this criticism I dissent. The Bill has at least one valuable effect which no one at the present moment cares to note.² It leaves in the hands of the Parliament at Westminster the constitutional right and the legal power to carry through a *coup d'état* under legal forms. If at any crisis, say during a war with some foreign power, the existence or the safety of England is deemed by Englishmen to be inconsistent with the maintenance of Home Rule in Ireland, England will remember that an omnipotent Parliament can destroy the Constitution of which it was the creator. I know my countrymen. I have for years studied both their virtues and their faults. If Home Rule in Ireland is once seen to threaten danger to England, the Imperial Parliament will assuredly modify, suspend, or repeal the Home Rule Act with a decision and a

¹ It is worth notice that the constant misunderstandings between Cromwell and the Parliaments of the Protectorate arose from the absolute refusal or incapacity of any English Parliament to acknowledge that, under any constitution, it possessed less than sovereign power.

² As to the question whether under the Bill the Imperial Parliament retains the real power of at its will taxing Ireland for Imperial purposes, see pp. 57-61, *post*.

rapidity whereof Irish Nationalists have forgotten the possibility. It is well that the Home Rule Bill, under its studied ambiguities, should retain for the Imperial Parliament a legal method for the exertion of a supremacy bestowed, not by law, but by the nature of things.

The day, however, may be nearer than any one at this moment expects when every fair-minded man throughout the United Kingdom will be called upon to determine what are the occasions on which Parliament possesses a moral no less than a constitutional right to exert, as regards Ireland, the supremacy maintained for it by the Home Rule Bill. If in the madness of partisanship the Coalition should, in virtue of the Parliament Act, convert the Home Rule Bill of 1912 into the Home Rule Act of 1914 without having made any appeal to the people by a dissolution of Parliament, the Home Rule Act will, in the eyes of every Unionist, lack moral authority. The question will at once arise whether revolution, achieved by intrigue or fraud, may not be reversed or arrested by reaction carried out in strict conformity with the legal provisions of the Home Rule Act? May it not be a duty to use the supremacy of the Imperial Parliament in order to assert the authority of the nation?¹ The patriotism or prudence which for two hundred years at least has in England tempered the violence of party warfare will, I hope, rather than anticipate, prevent Mr. Asquith and his colleagues from even raising a question the answer to which may shake the foundations of those reasonable understandings which alone make constitutional government work with success. However this may be, the supremacy of the Imperial Parliament has a meaning to which no man who values in the least degree the welfare of the United Kingdom must be allowed to shut his eyes.

¹ See this question further considered, chap. iii. pp. 117, 123-9, *post.*

(B) THE BILL DOES NOT RELIEVE THE IMPERIAL PARLIAMENT FROM THE BURDEN OF IRISH AFFAIRS.

The Home Rule Bill presents one immense attraction to the electors of Great Britain. It rouses the hope that, when Home Rule shall have been granted to Ireland, they will hear no more about Ireland's grievances or about Irish business. A political conflict maintained for more than thirty years has wearied out thousands of Englishmen, and the English elector—I am ashamed to say it—is sick of the Irish Question. He flatters himself that, after the passing of the Home Rule Bill, neither the Parliament at Westminster nor English voters will hear more about the affairs of Ireland than they now hear about the affairs of Canada or of New Zealand. Our Premier may not be a far-sighted statesman nor an impressive orator, but he is a first-rate advocate. He understands mankind, as studied in the law courts. Possibly he knows a little too much of human weaknesses and not quite enough of human virtues. "Men may be read as well as books, too much." The old "Union of Hearts" no longer kindles hope or raises applause, but the prospect of deliverance from the bother of Irish affairs and Irish obstruction appeals to the low common sense and the selfish apathy of a disillusioned generation. This political indifference is never with Englishmen—thank Heaven!—of long duration; but an appeal to it, whilst the feeling of lassitude lasts, may win a transitory verdict in favour of a permanent and disastrous alteration of our old Constitution. An orator who instinctively knows how closely allied is good-nature with indolence, invents a phrase which assuredly meets the desires of thousands of electors. "There has been reserved for this Parliament, this House of Commons, the double honour of reconciling Ireland and emancipating herself."¹

¹ *Parliamentary Debates*, April 11, 1912, col. 1422.

These are the last words of the speech with which Mr. Asquith introduced the third Home Rule Bill to the House of Commons. They combine a faint echo of the desire for the "Union of Hearts" with the strong hope of throwing off for ever the burden of taking part in the government of Ireland. The best reply to them, in the circumstances of to-day, is that the unmanly hope which fascinates the electorate is, through the very provisions of the Home Rule Bill itself, doomed to disappointment. For the establishment of this conclusion there is no necessity to go through all the tangled provisions of a measure which literally teems with obscurities, with ambiguities, and with inconsistencies. I shall rest this part of my case wholly upon two main provisions of the Home Rule Bill of 1912.

*I. The Retention of the Irish Members in the Imperial Parliament*¹

Under the Home Rule Bill 42 representatives of Irish constituencies will retain seats in the Parliament at Westminster.² This presence of an Irish delegation from a country entrusted under the Home Rule Bill with self-government is an outrageous and most perilous anomaly. No Dominion, however powerful, no one of the British islands, such as the Isle of Man or Jersey, which has a Government of its own, has the remotest right or makes the remotest claim to be represented in the Imperial Parliament at Westminster. These 42 members will have the right to speak and to vote on every question of any kind which comes before our House of Commons. They will assuredly not keep silence on any Irish affair which might happen to cause in

¹ See Bill, cl. 13, and compare cl. 26, sub-cl 3.

² They will, when the financial arrangements between Great Britain and Ireland are matters of debate under cl. 26, be raised to some 65 members or more.

Ireland a violent division of opinion. Does any one think, for instance, that if the conduct of some ardent Protestants at Belfast were treated by the Irish Government as treasonable, and if a Protestant leader, being put on his trial, were found guilty of treason by a Dublin jury, the whole matter would not be discussed at Westminster, or that Irish business would not interrupt the work of the Imperial Parliament? One must remember that the Lord-Lieutenant will occupy an almost impossible position.¹ He is to be at once the servant of the English Crown, compelled, from the nature of things, at a great crisis to listen to the advice, or rather the injunctions, of the British Ministry from whom he receives his appointment. He is also an Irish official, bound in Irish matters to act on the advice of his Irish Ministry. How if the people of Great Britain demand that the Protestant rebel, or convict, should receive a pardon for action which may command a good deal of British sympathy, whilst the Irish Ministry maintain that his condign punishment is absolutely necessary for the maintenance of order in Ireland, and enforce their protest by declining to hold office unless a pardon is refused?² How is the Lord-Lieutenant, or how, in the last resort, is the British Cabinet, or the Imperial Parliament on which the existence of the British Cabinet depends, to act? No one, I think, will venture to say that the imagined situation is a practical impossibility. The most plausible of answers is that similar difficulties may and do arise in any one of the Dominions and that they are

¹ See *Parliamentary Debates*, October 24, 1912, cols. 2401-2514.

² But a few years have passed since the British Cabinet was compelled, in deference to colonial opinion expressed by a colonial Ministry, to allow the instant execution of natives, though the colonial Governor thought them entitled to a pardon. See Keith, *Responsible Government in the Dominions*, vol. i. pp. 291-6.

The transaction must cause some anxious reflections alike to Unionists and Home Rulers.

somehow overcome. The rejoinder is conclusive. The constitution of Ireland under the Home Rule Bill is utterly different from the constitution of any self-governing colony, and no colony whatever has any representatives at Westminster, and every one of the Dominions is thousands of miles away from England. Strange irregularities may be passed over in a distant country simply because they are not known to the British public. They are not mentioned by Government officials; they are quietly ignored.

Not so many years¹ have passed since a few Irishmen were violently prevented from landing in Victoria because they had rendered a great service to the Crown by giving information which led to the conviction of men rightly accused of heinous crime. Would the Parliament at Westminster not insist upon saying something about such a kind of popular Lynch law if it were applied to informers who had fallen into the hands of a Dublin mob? Let us suppose that, contrary to all the experience of centuries, the grant of Home Rule were to be followed in Ireland by a period of unexpected peace and order. Would even such a happy result ensure the freedom of Parliament from Irish affairs? Look at what has gone on before our eyes. Irish cattle either are, or have just been, excluded from England on account of an outbreak of cattle disease in some Irish county. At this moment Irish Nationalists are unwilling to embarrass the Government, yet complaints on this matter have already been heard. If action which threatened ruin to Irish farmers were taken after the establishment of Home Rule, the 42 members would certainly not keep silence. I shall show, in a later part of my argument,² that the Home Rule Bill itself contains many provisions which Irishmen will wish to have altered.

¹ See *England's Case against Home Rule*, 3rd ed., p. 207 n.

² See pp. 81, 85-95.

No one supposes that the 42 members from Ireland will not strive to get the Bill amended. Let no one fancy that the representatives of Ireland, though reduced to 42, will not possess the means of often enforcing their will upon an English Cabinet. The 45 members from Scotland somehow or other contrived, even before the great Reform Act, to get from English Governments pretty much what they wanted for themselves or for Scotland. Within a very few years after the Act of Union they had learnt how, by a studied abuse of their vote on the validity of elections, to exclude permanently from public life an English member who had used language insulting to Scotsmen, and a Scottish member who, to gain a private advantage, had refused to vote in the same way as other Scottish representatives.¹ The particular device by which Scotsmen showed their power no longer exists, but the Irish delegation have been well trained in the arts by which a compact and well-disciplined minority may make their strength felt. The very unwillingness of a British Ministry to interfere in Irish affairs will, from one point of view, increase the illegitimate influence of the 42 members. They will have no proper place in the Imperial Parliament. Their existence there will be the permanent sign that, while England cannot interfere with Irish legislation, the Irish delegation can effectively interfere with British legislation, and, what is of equal consequence, with the existence of the British Cabinet. Forty-two votes have often been enough to maintain a Ministry in office, or to expel a Government from power. More often than not the only thing necessary for giving to the Irish representatives a casting vote on any great question which divides English opinion will be that they should act together and should studiously ally themselves with the party which

¹ Porritt, *Unreformed House of Commons*, vol ii. p. 13.

most needs their help and can pay for it. In other words, policy and even patriotism, if looked at from a merely Irish point of view, will induce the Irish delegation of forty-two to keep in office the party which does not command the support of England. Nor let any one fancy that a course of action which undermines our parliamentary system will, under Home Rule, be opposed by the representatives of Protestant Ulster. The men of Ulster ask for nothing more than to enjoy, under the constitution of the United Kingdom, the full rights of citizenship. If this claim is denied them they may well turn into the most vigorous and the most bitter of Irish Nationalists. During the whole Home Rule controversy far too much has been said about Irish nature and far too little has been thought about human nature. Ulstermen, treated with gross injustice, will not be the allies of England which has wronged them. Assume, if you like, that Home Rule may, from one point of view, lighten for the Parliament at Westminster the burden of Irish affairs, though personally I dispute the truth of the assumption. It will, from another point of view, stimulate the energy and increase the bitterness of Irish intrigue. I insist upon the absolute truth of words, which I have again and again cited, from a speech by the most sincere and most logical of English Home Rulers, my friend Lord Morley :

“ But there is a word to be said about the effect on our own Parliament, and I think the effect of such an arrangement—and I cannot help thinking so till I hear of better arrangements—upon our own Parliament would be still worse. It is very easy to talk about reducing the number of the Irish members ; perhaps it would not be so easy to do. It is very easy to talk about letting them take part in some questions and not in others, but it will be very difficult when you come to draw the

line in theory between the questions in which they shall take a part and those in which they shall not take a part. But I do not care what precautions you take; I do not care where you draw the line in theory; but you may depend upon it—I predict—that there is no power on the earth that can prevent the Irish members in such circumstances from being in the future Parliament what they were in the past, and what to some extent they are in the present—the arbiters and the masters of English policy, of English legislative business, and of the rise and fall of British Administrations. You will have weakened, by the withdrawal of able men, the Legislature of Dublin, and you will have demoralised the Legislature at Westminster.”¹

These words were spoken by Mr. John Morley in April 1886, and are as true now as they were then. They are the permanent condemnation of every scheme which, while establishing Home Rule in Ireland, retains Irish representatives at Westminster. Nor is their force lessened by the reflection that, as Mr. Morley then argued,² and as I still assert, the retention of Irish members at Westminster under a system of Home Rule, while it demoralises the Parliament at Westminster, weakens the character of the Parliament at Dublin. It is a gain, at any rate, I shall be told, for England that the 103 representatives of Ireland are, under the Bill, reduced to 42. So be it. They ought, in any case, to be reduced to not more than 70, and will, I trust, be so reduced the moment that a Unionist majority is returned to the House of Commons. The 33 members, moreover, lost by Ireland should be added to the representation of England. But, in considering the representation of Ireland at Westminster under

¹ Mr. (now Lord) Morley at Newcastle, cited in *A Leap in the Dark*, 2nd ed. pp. 41, 42. See *The Times*, April 22, 1886.

² See pp. 91, 92, *post*.

the Home Rule Bill, it must be remembered that the 42 Irish representatives will be backed up by the moral support of the Irish Parliament at Dublin. This is no small matter. Add, further, that under the Home Rule Bill the 42 Irish members will, when the revision of the financial arrangements between Great Britain and Ireland takes place, be increased to somewhere about 65 members who will take part in the decision of the one kind of question most likely to cause deep differences of opinion between Great Britain and Ireland.

Nor does the effect of the occasional increase¹ of the Irish delegation from 42 to 65 members or more end here. It will certainly suggest the claim, on the part of Ireland, that the delegation should be increased in the same degree whenever it is proposed in any respect to alter any provision of the Home Rule Act.

II. *The Financial Arrangements between the United Kingdom and Ireland*²

No effort will here be made to criticise the finance of the Home Rule Bill as a whole. My comments are those of a constitutionalist, not of a financial expert ; but, happily, my conclusions have on some main points the advantage of being reinforced by the Report of the Financial Committee of Experts, whose advice the Government wisely sought and

¹ A matter which Mr. Asquith did not deem it worth while to mention in his introduction of the Home Rule Bill to the House of Commons, though in that speech he reiterated that the number of Irish members would be reduced to 42.

² Home Rule Bill, cl. 14-26 ; Outline of Financial Proposals ; Report of Committee on Irish Finance (cd. 6153) ; Asquith's speech on introduction of Bill, *Parliamentary Debates*, April 11, 1912, especially cols. 1410-17 ; Mr. Steel-Maitland on "The Finance of the Home Rule Bill," *National Review*, June 1912, p. 620 ; "The Home Rule Bill," *Quarterly Review*, July 1912, pp. 265-98, especially pp. 281-98.

without any explanation unwisely rejected.¹ My whole aim is to emphasise four characteristics presented by the finance of the Home Rule Bill. They are in some respects grossly unjust to England and ultimately injurious to Ireland. They, at any rate—and this is my special point—make it impossible for the Imperial Parliament at Westminster ever to be delivered from the consideration of Irish business.

The financial problem² which a Government of Home Rulers was and is forced to meet is, how to give to the Irish people Home Rule—or, in other words, full control of so-called Irish affairs—at a moment when, if Ireland were looked upon as anything like an independent country—*e.g.* if Parliament granted to her Home Rule as in New Zealand—it would be found that the cost of the government of Ireland amounts to about £12,350,000, whilst the true revenue of Ireland amounts to about £10,840,000. Whence the indubitable results follow that, if Parliament conferred upon Ireland Home Rule as in New Zealand, she would be called upon to meet a deficit of at least £1,500,000, and Home

¹ See p. 73, *post*.

² This problem, it should be observed, arises in an acute form from the conduct of the Cabinet. A Ministry of Home Rulers must surely have contemplated the possibility, or the probability, of their bringing in a Home Rule Bill when they passed the Old Age Pensions Act, 1908, and the National Insurance Act, 1911. Surely common foresight ought to have led them to exclude Ireland from the operation of these Acts until the country had, at any rate, determined whether or not to accept any Home Rule Bill. If this course had been followed the revenue of Ireland would at this moment all but balance the cost of the government of Ireland. According to the Government Memoranda on "Irish Finance," the Irish revenue is £10,839,000, the Irish expenditure £12,354,000. With the expenditure there is included the cost of Old Age Pensions, £2,664,000, and the cost of National Insurance and Labour Exchanges, £191,500, a total of £2,855,500. Therefore legislation by a Government of Home Rulers has wiped out the surplus of Irish revenue over Irish expenditure and has created a deficit.

Rule, therefore, would mean either an immediate and heavy increase in the taxation of Ireland, or, what is far more probable, the bankruptcy of Ireland. The Ministerial solution of the problem which the Cabinet had to meet is, looked at broadly and in its general result, a solution of extraordinary simplicity. The Home Rule Bill will, in the first place, relieve Ireland for an indefinite period from any obligation to contribute a penny towards the pecuniary cost of defending the Empire, including Ireland herself. The Home Rule Bill will also impose upon England—that is, upon the British taxpayers—first, the duty of meeting the Irish deficit, and, next, the duty—or the pleasure, as you may call it—of making a present to Ireland of £500,000 per annum. In other words, the Irish deficit is, under the Bill, to be turned into a surplus by imposing upon the British taxpayer a payment of £2,000,000 per annum for starting a system of Home Rule which the majority of British electors have always hitherto disliked and which a large and most influential minority of Irishmen absolutely abhor. I have stated this result in the broadest and plainest terms. It ought to be made manifest to every elector throughout the United Kingdom. There is, as I have said, no great originality in the end aimed at by the financial arrangements of the Home Rule Bill. The originality of their method, and the special injury they may work to England, may be made intelligible by examining four characteristics of the financial scheme by which Mr. Asquith and his colleagues aim at setting up Home Rule in Ireland at the expense to the British taxpayers of £2,000,000 per annum.

FIRST CHARACTERISTIC.—*No effective security for contribution by Ireland towards the common expenditure¹ of the United Kingdom.²*

¹ Often called "Imperial expenditure."

² See Clause 26, sub-cl. (2).

Such security must arise either under the distinct words of the Bill or from the undeniable construction or inferred meaning of the Bill:

(a) *Under the words of the Bill.*—Ireland (looked at as a separate country) does not at the present moment contribute anything towards such common expenditure, since the revenue of Ireland falls by some £1,500,000 below the whole cost of the government of Ireland. Ireland is, under clause 26 of the Bill, freed for an indefinite period from the obligation to make any pecuniary contribution whatever towards the common expenses of the United Kingdom (*e.g.* the cost of the defence of the United Kingdom). This period of freedom from contribution is the time which may elapse from the passing of the Home Rule Act till the day when the revenue of Ireland shall exceed for each of three consecutive years the cost of the government of Ireland. This day, when the Irish deficit will cease to exist, has been popularly called in debate “the happy day.” The expression is a convenient one. Whether the happy day will ever occur, or whether it may occur within a few years—say ten years—or within many years—say twenty or thirty years—is a matter of pure conjecture. A Ministerial optimist will take one view, a pessimist of the Opposition will take another. The Bill further provides a method by which when, if ever, the happy day shall arrive, the Imperial Parliament, in which the representation of Ireland will for this particular purpose be increased to some sixty-five members or so, may, if it see fit, provide for securing a proper contribution from Irish revenues towards common or Imperial expenditure.¹ The essence of the whole arrange-

¹ I have attempted to give, in popular language, the general effect of clause 26, which is the only clause that directly refers to Ireland's contribution towards the common expenditure of the United Kingdom. As to the method of obtaining such contribution after the happy day see clause 26. Note that the terms “revenue of Ireland” and “cost of the government

ment provided for by clause 26 is, in substance, that as regards Ireland's contribution towards the common expenses of the United Kingdom the *status quo* shall continue to exist, and that, as regards at any rate the provisions of that clause, Ireland shall be under no obligation to contribute towards common expenditure until the happy day arrives. Whether Ireland will be under any temptation to hurry on the arrival of that happy day when she may undergo the obligation to share in the common expenditure of the United Kingdom is a point as to which opinions may differ. This period of Ireland's financial freedom from obligation to make any pecuniary contribution towards, *e.g.* the defence of the United Kingdom, is a new thing. It was unknown to Mr. Gladstone. It has never been dwelt upon during the whole of the Home Rule controversy by any Home Ruler. This immunity from contribution to the general expenses of the State is absolutely unknown to any state, canton, or province of any Federal Government. It is some pleasure to me to reflect that in 1887 a then unknown writer suggested,¹ and in my judgment wisely suggested, that, if Ireland were granted colonial independence, it might be a dictate of expediency or generosity that she should receive immunity from the burden of contribution towards Imperial expenditure. But the idea, whatever its worth, that Ireland under a system of Colonial Home Rule ought to receive, like every other Dominion, immunity from taxation towards the cost of defending the Empire must always be coupled with the two other leading features of our "of Ireland" must be taken in their very widest sense. Compare clause 26, sub-cl. (1), and see speech of Mr. Balfour, *Parliamentary Debates*, December 2, 1912, and remarks of Mr. Herbert Samuel, cols. 1964 to 1970. Mr. H. Samuel is a parliamentary Micawber who identifies money borrowed with revenue or income.

¹ See *England's Case against Home Rule*, p. 216.

colonial system, namely, that Ireland gives up all claim for, or expectation of, grants from the Imperial Exchequer, and also sends no members to the Imperial Parliament at Westminster. Every line of the Home Rule Bill proves that our modern Home Rulers, while they all but exempt Ireland from liability for contribution towards Imperial expenditure, mean her to retain two privileges unknown to any one of the Dominions. But these very privileges make it impossible that the Imperial Parliament should be freed from the consideration of Irish affairs.

(b) *Under the construction of the Bill.*—According to the Government's interpretation of the Bill, the Imperial Parliament will, when the Bill has passed into law, *i.e.* under the Home Rule Act, have immediately and at all times, not only the theoretical right, but the practical and rightful authority, to tax Ireland in respect of any new common or Imperial expenditure imposed upon the United Kingdom after the passing of the Act. This rightful authority and power is quite independent of the terms of clause 26. It will be exercised by a Parliament to which Ireland returns only forty-two members. It may be rightly exercised before the happy day has arrived. The doctrine of the Government, as stated by the Solicitor-General with his usual clearness and precision, is quite unmistakable. He clearly lays down that the mere fact of the passing of the Home Rule Bill should not "in itself, disentitle the [Imperial] Chancellor of the Exchequer, not as a matter of technicality, but as a matter of substance, from laying before the Imperial House of Commons proposals which involve taxing of the Irish people, supposing the general purposes of the country require additional revenue,"¹ and this, on his view, is a power which the Parliament at Westminster has a substantial right to exercise before

¹ *Parliamentary Debates*, December 2, 1912, col. 1946.

the arrival of the happy day, and whilst the representation of Ireland in such Parliament amounts only to forty-two members.¹ The Chancellor of the Exchequer, to prevent all mistake, distinctly explains that in any new emergency arising after the passing of the Home Rule Act (*e.g.* a great naval emergency which required the addition of twopence to the Income Tax) it would be not only the right of the Imperial Chancellor of the Exchequer, but also his duty, to see that the charge should be borne by the whole United Kingdom. The Chancellor of the Exchequer himself raises the question, What would be the difference between the time before the happy day when the deficit has come to an end, and after the happy day in respect of Ireland's contribution towards the common or Imperial expenditure of the United Kingdom? The difference, according to this high authority, would be as follows: Before the happy day Ireland could not, in fairness, be called upon to contribute to the meeting of any Imperial burden which was an old burden, *i.e.* had arisen before the passing of the Home Rule Act. But after the happy day she might be called upon to contribute her share towards any common or Imperial burden, whether old or new.² The doctrine of the Government as to the right of the Imperial Parliament (independently of the Home Rule Bill, clause 26) to tax Ireland for the common expenditure of the United Kingdom was never stated with clearness, if it was ever stated at all, till December 2, 1912, when the debates on the Bill were drawing to a close, and the Bill

¹ Compare Mr. Balfour's interpretation of the view of the Government, *Parliamentary Debates*, cols. 1967, 1968.

² See speech of Mr. Lloyd George, *Parliamentary Debates*, December 2, 1912, cols. 1971, 1972. I believe I have given the true meaning of his words. On his view Ireland could not under the Bill, in fairness, be called upon to contribute towards any expenditure which is not common expenditure, but benefits only Great Britain or some part thereof.

had been before the country for at least eight months. It certainly caused astonishment to most Unionists.

"I am convinced," said the leader of the Unionist party, "every one thought, when this Bill was introduced—certainly the speeches of the Prime Minister and of every one else on the Second Reading led us to suppose—that what the Government were doing was to stereotype the existing financial relations between Ireland and England. They saw Ireland was not paying her way, that we were giving her a contribution to enable her to pay her way, and that, until she paid her way, she was to have no additional burdens thrown upon her. That was how I understood the Bill."¹ And we may be sure most Home Rulers understood it in the same sense.

There are one or two most important points in respect to the new construction placed by the Government² on the financial provisions of the Home Rule Bill which deserve most careful attention. This construction rests, I presume, on clause 1, sub-clause 2, which lays down that "the supreme power and authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters, and things in Ireland and every part thereof."³

No doubt the supremacy of the Imperial Parliament is nominally retained in Ireland,⁴ as it is retained in New Zealand, in the Commonwealth of Australia, and in every part of the British Empire. But Parliament has no real authority to tax either New Zealand or the Australian Commonwealth. Ireland, it is true, does not, under the Home Rule Bill, stand

¹ Mr. Bonar Law, *Parliamentary Debates*, December 2, 1912, col. 1974.

² To this construction no Nationalist leader has, I think, before or on December 2, 1912, expressed his assent.

³ With which should be read clause 41, as to the concurrent legislation of the Imperial Parliament and the Irish Parliament.

⁴ See pp. 35, 36, *ante*.

in the same position as one of the Dominions. The Bill, moreover, certainly means that the Imperial Parliament retains the effective right to tax Ireland for common or Imperial purposes under the terms of clause 26. But the very existence of this clause suggests that, as the Unionist leader believed, the Bill is not intended to give to Parliament the power to tax Ireland until the conditions of that clause are fulfilled. Will any Government of Home Rulers ever, in reality, attempt to tax Ireland even for common purposes except under that clause? I am not prepared to give an affirmative answer to this question. It is even more than doubtful whether a Government of Unionists would do wisely to act upon the construction which Mr. Asquith and his colleagues have suddenly placed upon the Home Rule Bill. A Government at Westminster may well find it necessary and right to alter or repeal the Home Rule Bill if ever it becomes the Home Rule Act. To this conviction I adhere with the utmost firmness.¹ But such a Government would hardly be wise to take their stand upon a constructive right of the Imperial Parliament to tax Ireland which would be hardly consistent with the tenor of the Home Rule Act. An inevitable conflict between the authority of the Imperial and the authority of the Irish Parliament could not be fought out on a worse ground than on reliance upon the constitutional doctrine on which it has pleased Mr. Asquith and his colleagues to rely. The doctrine, in short, however well expounded by the Solicitor-General,² is of no real value whatever. Unfortunately, a political dogma which lacks any essential worth may be a cause of much evil. The right of the Imperial Parliament to tax by its own authority a Home Ruled Ireland, at any rate before the conditions of clause 26 are fulfilled, puts an end to the

¹ See pp. 43, 44, *ante*.

² See pp. 57-59, *ante*.

hope of reconciliation between England and Ireland. Every man outside the Cabinet must wonder what are the motives which have induced a Government of Home Rulers to put forward a new claim to parliamentary supremacy whereof nothing was heard till the Home Rule Bill was all but passing up to the House of Lords. What, we ask, is the true meaning of clause 26, taken in combination with the doctrine that the Imperial Parliament may tax Ireland before that clause can come into operation? Our Unionist leader has given the right answer.

"What is the object of the clause? It only has one object. It is a part of the make-belief which characterises the Bill from beginning to end. Its one object is to make people in England and Scotland believe the Government are going to insist on a contribution from Ireland, and, on the other hand, to enable hon. members from Ireland to say, 'We will never make a contribution until we choose, and we will never choose as long as we can spend the money in Ireland.'"¹

SECOND CHARACTERISTIC.—*The complexity of the financial arrangements.*

The aim of all these arrangements is, as I have pointed out, simple enough, but they are marked in their details by a kind of complexity which makes them all but incomprehensible to any ordinary elector. Let me give a few examples of their complication.

The cost of the government of Ireland, which is computed at about £12,350,000,² is distributed among different services or objects of expenditure. These are divided into Reserved Services,³ which,

¹ Mr. Bonar Law, *Parliamentary Debates*, December 2, 1912, col. 1976.

² See Mr. Asquith's speech, *Parliamentary Debates*, April 11, 1912, col. 1411.

³ See Bill, cl. 4 (6); cl. 5 (2); cl. 2, proviso.

it is computed, will amount to £5,292,000, and for which the Imperial Exchequer will be responsible, and Irish Services, for which the Irish Exchequer to be constituted under the Bill will be responsible. The cost of the Irish Services will, it is computed, amount to £7,062,000.¹ Every penny levied by taxation in Ireland² will be paid over by the Irish Exchequer to the Imperial Exchequer.³ But the Imperial Exchequer will, out of the revenue received from Ireland, transfer or repay annually⁴ to the Irish Exchequer the expenses which the Irish Services are found⁵ to cause at the date when the Bill passes into law (*i.e.* at the establishment of Home Rule—say in May, 1914)—to the Imperial Exchequer, and added thereto the sum of £500,000, which is a present from the people of Great Britain enabling Ireland to start in the career of Home Rule with a surplus instead of a deficit. This sum, partially repaid and partially given, is termed in the Bill the Transferred Sum. Two points should be noted: first, the Transferred Sum is not the sum which the Irish Services may cost to Ireland at any future time, but the sum which, at the date of Home Rule, they are found to be costing to the United Kingdom; secondly, the Transferred Sum, which will, it is conjectured, amount to £6,127,000, will, *prima facie*, not be variable, but several contingencies are contemplated by the Bill under

¹ Outline of Financial Proposals, p. 3. There is no discrepancy between this sum and the Transferred Sum, amounting to £6,127,000, immediately mentioned. The difference arises from the fact that, in addition to the Transferred Sum, the Irish Government retain the postal revenues, estimated to amount to £1,354,000, and fee stamps, amounting to £81,000, making a total of £1,435,000 of Irish revenue which was not to be handed over to the Imperial Exchequer. This sum, together with the Transferred Sum, amounts to £7,562,000, showing a surplus of £500,000.

² Except the Post Office revenue.

³ See Bill, cl. 14 (2).

⁴ See Bill, cl. 14 (2) (a) and (b).

⁵ By the Joint Exchequer Board.

which it may be either increased or decreased. Thus, to give examples of this variation, the Irish Government may, if it pleases, take over from the Imperial Exchequer the liability of any of the Reserved Services—*e.g.* the payment of Old Age Pensions—and thereupon the Imperial Government, as it escapes from paying Old Age Pensions, will add to the Transferred Sum the expense thereby saved at the time of transference to the Imperial Exchequer. The proceeds, again, of any new tax imposed by the Irish Parliament upon Ireland, though they will be paid over to the Imperial Exchequer, will be repaid to the Irish Exchequer by an addition to the Transferred Sum. As, further, the £500,000, which is an annual gift from the British taxpayers to Ireland, will, after three years from the passing of the Home Rule Act, be diminished annually by £50,000, until it is reduced to the sum of £200,000, at which amount it will remain, the Transferred Sum will to this extent be gradually reduced by £50,000 a year.

Very strict limitations¹ are imposed by the Bill on the Irish Parliament's power to tax Ireland; but it is not for my purpose necessary to go into the nature of these limitations, and it should be particularly noted that the Imperial Parliament retains under the Bill the power to tax Ireland. Hence the Irish Parliament and the Imperial Parliament have each concurrent powers of legislation.

One other matter should be clearly borne in mind. The object of the Bill is that the whole of the Irish revenue should be employed for meeting the cost of the government of Ireland. The Transferred Sum meets the cost of the so-called Irish Services. The sum which is not transferred, or paid back to the Irish Exchequer, meets, as far as it goes, the cost of the Reserved Services. But the aggregate cost of governing Ireland exceeds, by some £1,500,000, the

¹ See Bill, cls. 15 and 17.

revenue from Ireland. This deficit is, in effect, paid by the British taxpayers as part of the cost of the Reserved Services. The British taxpayers give also, for at least three years, to Ireland a present of £500,000. The net result of all these complicated arrangements, and many other provisions of the Bill which I have omitted, is exactly what I have already insisted upon, namely, that the Irish deficit of £1,500,000 is turned into a surplus of £500,000 simply by the British taxpayers taking upon themselves a payment of £2,000,000.

These statements will be made more comprehensible by the tables on page 65 taken from Mr. Steel-Maitland's article on the Finance of the Home Rule Bill in *The National Review* for June 1912, p. 624.¹

No doubt if, as the authors of the Bill flatter themselves, the revenue of Ireland increases with rapidity, the burden imposed upon the British taxpayers (which at the date of the passing of the Home Rule Act will amount to the annual payment of £2,000,000) will be gradually lightened or conceivably removed since the amount of Irish revenue, so far as it depends upon Imperial taxation,² will be paid into the Imperial Exchequer, and go to diminish the cost to the British taxpayers of the Reserved Services, *e.g.* of Old Age Pensions. But then, it must be remembered that the cost of these services may increase, and there is no certainty that the revenue from taxes levied in Ireland by Imperial taxation may not decrease. In the finance of the Home Rule Bill the tendency of our Government to trust to hopes rather than to experience

¹ Compare also the Outline of Financial Provisions (Cd. 6154), pp. 3 and 4. Many Unionists add to the cost caused by the government of Ireland to the British taxpayer the amount, say, of £3,000,000, which under the Home Rule Bill Ireland will not, but ought, to contribute towards meeting Imperial expenditure.

² An increase of Irish revenue by the proceeds of Irish taxation will not benefit the British taxpayer, since it will be added to the Transferred Sum.

TABLE A.—IRISH SERVICES MANAGED BY THE IMPERIAL PARLIAMENT¹

£	£
Irish Revenue (excluding Post Office and Fee Stamps)	9,404,000
Less transferred to Ireland	6,127,000
	3,277,000
Deficit (paid for by British Taxpayer).	2,015,000
Total	£5,292,000
Old Age Pensions	£2,664,000
National Insurance and Labour Exchanges	191,500
Land Purchase	761,000
Constabulary	1,377,500
Collection of Revenue	298,000
Total	£5,292,000

TABLE B.—IRISH SERVICES MANAGED BY THE IRISH PARLIAMENT

£	£
Transferred sum	6,127,000
Post Office Revenue	1,354,000
Fee Stamps	81,000
Total	£7,562,000
Transferred Services (not separately stated)	5,462,000
Post Office	1,600,000
Total of Services	7,062,000
Bonus (provided by British Taxpayer)	500,000
Total	£7,562,000

¹ Steel-Maitland, *National Review* (June 1912), p. 624.

—*i.e.* to enjoy the blessings of a fool's paradise—is particularly visible. The cost, however, of such indulgence in over-sanguine expectations will fall, not upon any Minister, but upon the taxpayers of Great Britain.

The Bill provides a scheme for the readjustment of the financial arrangements between the United Kingdom, or in reality Great Britain, and Ireland. It, in substance, enacts that when (if ever) the whole of the Irish revenue, whether imposed by an Imperial Act or by an Irish Act of Parliament, shall for three successive years have exceeded the cost of the government of Ireland, the financial provisions of the Home Rule Bill may undergo a revision¹ in accordance with the rules laid down by the Bill. But the mode and nature of this revision cannot be understood without studying the third characteristic of its financial arrangements. It is indeed the strangest of all the strange provisions of the Home Rule Bill.

THIRD CHARACTERISTIC.—*The creation of the Joint Exchequer Board.*²

Constitution of Board.—The Board will consist of a chairman and four other members. The chairman is to be appointed by the King, *i.e.* presumably by the British as contrasted with the Irish Prime Minister. Two members are to be appointed by the British Treasury—that is, I presume, by the English Cabinet—and two members by the Irish Cabinet. It would seem at first sight certain that every member of the Board is to hold his office on the same tenure as our Judges. The importance of the Board's position is so great that, even independently of the words of the Bill,³ the judicial status

¹ See Bill, cl. 26, especially sub-cl. 1 and 3.

² Bill, cl. 22, and cl. 26.

³ "Any vacancy arising in the office of a member of the Board, owing to the death, resignation, or incapacity of any member of the Board, shall be filled by the authority by whom the member whose place is vacant was appointed" (Bill, cl. 22 (3)).

of its members would seem to be almost a matter of course, for it must surely be necessary that every member of the Board should hold office free from the fear of dismissal either by the Government of England or by the Government of Ireland. But our Ministers think otherwise. The Board, the Attorney-General has announced,¹ will be a body of financial experts, and not in any sense a legal tribunal. The Board will decide questions of fact, and probably consist of officials of the British Treasury, and, one must presume, of the Irish Treasury. The Board's decisions will, on matters of fact at any rate, be final, but the Board will have the power of obtaining a decision, if desirous of doing so, on any question of law by an appeal to the Privy Council;² what the true character of the Board may be remains in truth a problem to which the Bill gives no answer. The Board may possibly be ultimately organised as a quasi-judicial body. It is more likely that the Board may turn out a sort of council of conciliation meant to harmonise, if that be possible, the ideas of the British Treasury and of the Irish Treasury in regard to such financial questions as may come before the Board.

Functions of the Board.—The Board will be called upon to determine the following (among other) financial problems :

1. The Board must determine the sum which at

¹ See speech of Sir Rufus Isaacs, *Parliamentary Debates*, November 27, 1912, cols. 1319, 1321, 1322.

² "If the Joint Exchequer Board, in the execution of their duties under this Act, are desirous of obtaining the decision of any question of the interpretation of this Act, or other question of law, which arises in connexion with those duties, the Lord-Lieutenant, Secretary of State, or Board, as the case may be, may represent the same to his Majesty in Council, and thereupon, if his Majesty so directs, the said question shall be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council, constituted as if hearing an appeal from a Court in Ireland" (Clause 29, sub-cl. 1 (part)).

the date of Home Rule represents the true cost to the Imperial Exchequer of the Irish Services, or, in other words, the amount of the Transferred Sum which the Imperial Exchequer will be called upon annually to pay to the Irish Exchequer. This is a matter of extreme importance. Let it be noted that the calculations, or the conjectures, of the Cabinet as to the amount of this Transferred Sum are mere guesses which do not bind any man. Ministers may be right in thinking that it will amount to, say, £6,127,000,¹ but they may be quite out in their reckoning. The amount of the Transferred Sum at the date of Home Rule—say May 1914—must be determined, not by the Ministry, not by Parliament, nor by any Parliamentary Committee, but by the Joint Exchequer Board. The decision of the Board (that is, possibly, of three members thereof) will, subject to an appeal to the Privy Council on questions of law, be final and conclusive.² If the Board determine that the Transferred Sum amounts only to £5,000,000, which is highly improbable, or that it amounts to £7,000,000, which is not inconceivable, there will be, in truth, no power in existence which can practically upset their determination. The Irish Government and Irish people may be aggrieved if the sum is smaller than they expected; the English Government and the English people will be aggrieved if it is larger than they expected. In any case, the parties aggrieved must bear disappointment as they may.

2. The Board will have to determine what are the true proceeds of an Irish tax. This is a matter of the utmost importance to the Irish Exchequer, as it really determines how much in respect of a particular tax is to be returned or repaid by the Imperial Exchequer to the Irish Exchequer.³

¹ See pp. 62, 65, *ante*.

² Bill, cl. 14 (2), (a), cl. 17 (1), cl. 22 (2), cl. 29, and p. 67, note 2, *ante*.

³ Bill, cl. 14 (1) (c).

3. The Board will have to determine perhaps the most important question which can arise between England and Ireland in reference to finance, namely, whether the conditions have been fulfilled which, under the Home Rule Bill—*i.e.* the new Constitution of the so-called United Kingdom—authorise the Imperial Parliament to enter upon the revision of the financial arrangements between the two countries,¹ for the Board will be called upon to determine whether, during three successive years, the total proceeds of Irish revenue have exceeded the cost of the government of Ireland; or, in other words, whether during these three years the amount of the Transferred Sum, together with the cost of the Reserved Services, has or has not exceeded the cost of the government of Ireland.² If the Board reports in the affirmative, but not otherwise, Parliament can, under the Bill, proceed to the revision of the financial arrangements embodied in the Bill; and here it should be noted—what ought never for a moment to be forgotten—that for the purpose of such revision the Imperial Parliament means, not the body which will ordinarily meet at Westminster, and which is to contain only 42 members from Ireland, but a Parliament consisting of an Irish delegation, to which is added such a number of the members of the Irish House of Commons as will make the representation of Ireland in the Imperial House of Commons equivalent to the representation of Great Britain on the basis of population. In other words, the 42 ordinary Irish representatives will be increased to at least 65 by members of the Irish House of Commons, who clearly must be chosen by the party which has a majority in such House. Hence the decision of the Board will, in fact, determine not only whether the Imperial Parliament can constitution-

¹ Cl. 26 (1).

² See as to the meaning of "cost of the government of Ireland" p. 55, especially note 1, *ante*.

ally attempt the revision of the financial arrangements contained in the Home Rule Bill, but also by its report or decision make necessary a change in the constitution of the Imperial Parliament itself.

4. The Board will have, under the Bill, other powers than those I have specifically mentioned. The Board may in many ways deal with questions of Irish taxation, but, in addition to all specific powers given to the Board in different clauses of the Bill, the Board is called upon to determine any other matter in connection with the Transferred Sum, or Irish revenue, or expenditure, or the cost of any reserved service which may be referred to them for determination by the Treasury of the United Kingdom and the Irish Treasury jointly.¹

All the matters to be decided by the Board are of the utmost importance, and many of them of great nicety. They may constantly give rise to differences of opinion between England and Ireland. The answers to the all-important questions which will come before the Board must, from the nature of things, depend upon the inclination—I must add the perfectly honest inclination—of the Board, or rather the majority thereof, either on the one hand to construe the Home Rule Act so as to restrain the power of the Irish Parliament, or on the other hand to construe the Home Rule Act so as to restrain the authority in Ireland of the Imperial Parliament. In other words, the practical working of the financial arrangements between England and Ireland—I might almost say the practical working of our new Constitution created by the Home Rule Bill—will

¹ "It shall be the duty of the Joint Exchequer Board to determine any matter which is to be determined by the Board under this Act, and also to determine any other matter in connection with the Transferred Sum, or Irish revenue or expenditure, or the cost of any reserved service, which may be referred to them for determination by the Treasury and the Irish Treasury jointly, and the decision of the Board on any matter which is to be determined by them shall be final and conclusive" (Bill, cl. 22 (2)).

depend upon the answer to the inquiry which time alone can give, whether three members of the Board lean towards the doctrine of Unionism or towards the doctrine of Irish Nationalism. It may be allowable to conjecture that, if three members of the Board are appointed by the present Prime Minister of the United Kingdom and two members by the future Prime Minister of Ireland, *e.g.*, Mr. John Redmond, the Board will consist of competent lawyers and competent financiers, but the majority thereof will hardly be Unionists. If, on the one hand, the Board should, contrary to the apparent design of the Government, be turned into a Court, or at any rate into a quasi-judicial body, I am sure its members will try to the utmost of their ability to act as Judges and avoid all charges of unfairness. But though no more august, and, on the whole, fairer Court has ever existed than the Supreme Court of the United States, the tendency of its decisions has leaned at one period towards increasing the authority of the separate States which make up the Union, and at another period towards the extension of the authority of the Federal Government. The fairest of Judges are, after all, only the fairest among human beings. A Board therefore whereof the majority are Home Rulers will assuredly show some bias in favour of any decision which seems to extend the power of the Irish Government and the Irish Parliament. Nor is it credible that the decisions of the Board will ever command the respect both of Ireland and of Great Britain. If in a case where the popular opinion of the two countries is divided, the Board takes the Irish view, the British people will be irritated and will assuredly take means to express their vexation in the Imperial Parliament. If the Board takes the British view, its judgment will be denounced in the Parliament of Ireland. It is always undesirable, though it is sometimes inevitable, that a judicial, or quasi-judicial, body should be the

final arbiter on questions not of private, but of social or religious interest. It is still more undesirable that such a body should arbitrate on matters which involve the antagonistic feeling of different portions of one State, which to a certain extent, though not forming different nations, consider themselves to be of different nationalities. The Joint Exchequer Board will, I trust, be as independent and as impartial as a law court; but neither in England nor in the United States, the two most law-abiding countries of the civilised world, can the most august of tribunals fail to excite occasional indignation when compelled to deal with religious or social questions, and *a fortiori* when they are asked to decide points which arouse the spirit of Nationalism. Even now the English clergy can with difficulty tolerate the judgment of the Privy Council; even now trade unionists complain of gross injustice when any law court gives a decision unfavourable to a trade union. But if, on the other hand, the Government have finally their way, and the Board should be turned into a committee of Treasury officials, it is idle to hope that such a body will be treated with the respect due to a high tribunal. Expediency rather than justice, compromise rather than the establishment of a fixed rule, will be the instinctive tendency of such a committee. This ill-starred Board will be called upon to determine questions on which the real or apparent interest of England may be set against the real or apparent interest of Ireland; it is past praying for that the decisions of such a body, if Court it be, or the compromises of such a governmental committee, though it be a committee of conciliation, will obtain the moral acquiescence either of Englishmen or of Irishmen.

FOURTH CHARACTERISTIC.—*The complexity of the financial arrangements is unnecessary.*¹

This assertion is made with great confidence.

¹ See clauses 14-26.

The Government, in a moment of foresight, appointed and consulted a Committee of Experts on the finance suitable to a measure of Home Rule; the Government, in a moment of blindness, rejected the advice of their own Committee. Ministers, further, delayed the production of the Committee's Report, and refused to produce the evidence on which the Report was grounded. If any one wishes to see that the financial arrangements of the Home Rule Bill are, even from a Home Rule point of view, unnecessary, he may assure himself of their needlessness by considering the character and the Report of the Committee, and, lastly, by comparing the plan of the Government¹ and the plan of the Committee.²

I. The Character and the Plan of the Committee of Experts

(a) *Character of the Committee.*—It consisted of financial experts, most of whom, I imagine, were Home Rulers, and certainly were not opposed to Home Rule. However this may be, they were instructed "to consider, in the event of Irish local affairs being entrusted to an Irish Assembly with a responsible Executive, how the revenue required to meet the necessary expenditure should be provided." In other words, they were asked to report as to the financial arrangements which, in their judgment, were best suited to a scheme of Home Rule. They examined witnesses and produced what, from a Home Rule point of view, is a masterly report. It should be read and studied by every reader interested in the Home Rule controversy.³

¹ See clauses 14-26.

² Report of Committee on Irish Finance, especially Summary of Conclusions and Recommendations, pp. 28, 129. See Appendix, *post*. Readers are especially advised to read this summary.

³ See Appendix for Committee's "Summary of Conclusions and Recommendations."

(b) *The Plan of the Committee*.—This may be reduced to three proposals, each of which is elaborately explained and defended in the Committee's Report.

1st.—The power of imposing and levying all taxation in Ireland should rest with the Irish Government (*i.e.* of course the Irish Parliament and Executive) subject to such reservations as may be necessary to guard against the raising of tariff questions which might prejudice relations with foreign powers or trade and commerce between Great Britain and Ireland,¹ and the Irish Government should take over the whole of the Irish local expenditure, amounting probably to £12,400,000, whilst the revenue of the Irish Government would probably be about £10,350,000.²

2nd.—To meet this deficit and to provide the Irish Government with a working balance and also a margin for immediately accruing charges in respect of future Old Age Pensions, the Imperial Exchequer should take over the liability for all Old Age Pensions already granted at the date when the transfer of the powers (*i.e.* the date of Home Rule) takes place.

This amount is calculated by the Committee at about £3,000,000 annually, and the Committee recommend that, should the amount so provided appear at the time of settlement to be insufficient, the Imperial Exchequer should take over a further liability for so much of the charge for constabulary pensions as might be found to be necessary.³

3rd.—The obligation of Ireland to contribute to the general expenditure of the realm (*e.g.* for the defence of the United Kingdom) should be affirmed,

¹ Recommendation i. and Report, pars. 38, 42, pp. 28, 29.

² Report, Recommendations iii. and iv. p. 28, and pars. 36, 37.

³ Report, Recommendation v. par. 37, p. 17.

but a settlement of the amount of the contribution should be allowed to remain in abeyance.¹

II. *Comparison of the Financial Plan of the Government with the Financial Plan of the Committee*

The plan of the Government is, on the mere face of it, infinitely complex. It is unjust to England. It leaves on England a permanent responsibility (which certainly cannot be limited to any definite time) for a large part of the cost of the government of Ireland. It places upon England the hard and unpopular duty of collecting every tax raised in Ireland, even though it be a tax imposed by the Irish Government. It makes a purely artificial distinction between "Reserved Services" paid by the Imperial Exchequer and "Irish Services" paid by the Irish Exchequer, and this division rests on no principle whatever, since it leaves among Irish services the maintenance of the Post Office, which certainly ought to have been a reserved, or Imperial, service if any department of the Government of Ireland deserves that name. The whole arrangement about the Transferred Sum, taken together with the division between Reserved Services and Irish Services, conceals from the British taxpayer the amount of his contribution under a system of Home Rule towards the cost of the government

¹ Report, Recommendation i. p. 28, par. 37, p. 17. The conjecture by the Committee as to the amount of Irish revenue and Irish expenditure at the date of the Home Rule Bill does not agree precisely with the conjecture of the Government. This difference apparently arises partly from the years taken as the basis of calculation being different, and partly from the fact that the Committee forms, on the whole, a less hopeful expectation than does the Government of the future revenue of Ireland. But the difference is for the present purpose unimportant, for the Committee have even a more difficult position to meet than that which has to be met, on their own showing, by the Government.

of Ireland. It conceals from the Irish taxpayer the liberality in financial matters—one might say generosity—with which England contributes £2,000,000 per annum towards meeting the expense of the government of Ireland, and towards giving Irish Home Rule a chance of success. A further injustice to England is that no limit, in point of time, is fixed to the liability of England to continue paying, at lowest, £1,700,000 towards the cost of Irish government. No doubt this liability may be lowered whenever the happy but uncertain day dawns on which the cost of the government of Ireland shall, for three successive years, have fallen indubitably below the revenue derived by taxation from Ireland. It is at least conceivable—some critics would say highly probable—that the Irish Government will not be eager to hurry on the day when contributions towards Irish expenditure shall cease to flow from the Imperial Exchequer—that is, from the British taxpayers. The plan of the Government does not contain anything like a definite assertion of the right of the Imperial Parliament, which will contain only forty-two representatives of Ireland, to exact a contribution from Ireland towards the common expenses of the realm. The Bill does not state the principle regulating such contribution. On December 2, 1912,¹ indeed, the Solicitor-General and the Chancellor of the Exchequer suggested such a principle; but their suggestion is not part of the Bill.² This omission implies that Ireland, and Ireland alone of any country forming part of the British Empire, may claim, and claim for an indefinite period, heavy grants paid by the British taxpayers without the

¹ See pp. 57–61, *ante*.

² The Bill certainly suggests to an ordinary reader that contributions towards the common expenditure of the United Kingdom will be from time to time obtained from Ireland, under clause 26, by a law passed by the Imperial Parliament when containing for this purpose some sixty-five representatives of Ireland.

contribution of a penny towards the general expenditure of the realm, even though it be expenditure incurred for the defence of Great Britain and Ireland. Above all, the Government plan necessitates the creation of this astounding body termed the Joint Exchequer Board. The authority of this Board is, on the very face of it, really if not theoretically destructive of the so-called supremacy of the Imperial Parliament. For the contemplated revision of the financial arrangements of the Bill cannot be constitutionally considered unless three out of five of the members of the Board are prepared to report in its favour. The plan of the Government will be found, in the long run, as injurious to Ireland as it is palpably unjust to England. It gives many privileges to Ireland, some of which Ireland ought not to enjoy; but, while professing to give, and intended, I believe, to give, Ireland independence in all Irish affairs, it gives Ireland very limited independence indeed in matters of taxation. Consider, for a moment, the limitations placed on the taxes which the Irish Parliament can impose by clauses 15 to 17 of the Bill. These are limitations totally unknown to any Dominion. They may be necessary limitations, but they assuredly may hamper the action of any Irish Chancellor of the Exchequer. What is a far worse evil than this, the independence given to Ireland by the virtual repeal of the Act of Union involved in the Home Rule Bill, is independence without responsibility; it does not teach Irishmen that, in matters of finance, their fate must depend upon their own conduct and patriotism, which may sometimes be the offspring of poverty, but is never the child of pauperism. The Bill does not even tell them that, within an assignable number of years, grants from the British Exchequer will come completely to an end. It does not proclaim that Ireland will ultimately be required to contribute to the expenditure

of the realm and of that United Kingdom which is still, thank Heaven! our common country. I know as well as any man that the patriotism, the energy, and the genius of Irishmen have again and again contributed, not only to the glory, but to the preservation of the United Kingdom and of the British Empire. All I do assert is that the financial plan of the Government denies to Ireland the responsibility which is the life-blood of colonial independence, and must dull that patriotic sentiment of liability for the defence of the United Kingdom and of the Empire to which the mass of Irishmen, and above all Irish soldiers, have always been fully alive.

Turn now to the plan of the Committee.

The plan of the Committee avoids, with extraordinary sagacity, the special defects to be found in the plan of the Government. The plan of the Committee is perfectly simple and intelligible. It gets rid at one stroke of all the outrageous intricacies of the Governmental financial scheme, or rather financial puzzle. The Transferred Sum, the Reserved Services, the Joint Exchequer Board, and a mass of unknown phraseology and the things that they signify make no appearance in the Report delivered by the experts in finance. These men, who knew what they were about, were bound by no pledges, public or private, given to any faction or to its leaders. They had nothing to do with bargains, intrigues, or mystifications, many of them as hard to understand as they are impossible for any Unionist to sanction. The first leading principle¹ of the Committee's plan is that, under a system of Home Rule, the Irish Government shall have the management of the revenue and be responsible for the taxation of Ireland. This combination of authority and responsibility explains much of our colonial system, and is the

¹ See p. 74, *ante*.

dictate of common sense. A Unionist may justly urge that this authority ought not to be entrusted to any Parliament but the Imperial Parliament at Westminster. But this objection, if sound, is an objection to the whole system of Home Rule, and does not lie in the mouth of a Home Ruler. Such combination of power and liability, at any rate, frees Great Britain from the enforcement of taxes many of which she may not have imposed and the expenditure whereof she cannot control. The second leading principle¹ is that, to meet a temporary deficit, and to give Home Rule a chance of success, the British taxpayers should take upon themselves the payment of Old Age Pensions which have been already granted at the date when the transfer of powers takes place—that is, as I understand the proposal, at the moment when the Home Rule Bill comes into force, say May 1914. This, no doubt, is a heavy burden of £3,000,000 per annum imposed on the British taxpayers, and the burden may, as the Committee points out, need some increase which must be met by the British taxpayers undertaking in part the payment of the Irish constabulary pensions. It is, a critic may say, a heavier burden than the £2,000,000 per annum imposed on the British taxpayers by the Home Rule Bill, yet it would be far better for British taxpayers to pay £3,000,000, or even £4,000,000, on the terms suggested by the Committee than to pay £2,000,000 which might sink in the course of nine years to £1,700,000 on the conditions contained in the Home Rule Bill. The payment of the £3,000,000 is recommended by that kind of fairness which may be identified with expediency. The Imperial House of Commons has, in fact, granted Old Age Pensions to a definite number of Irishmen. No doubt, as I have already pointed out, the Old Age Pensions Act ought, by Ministers who entertained the least

¹ See p. 74, *ante*.

intention or hope of bringing in a Home Rule Bill, never to have been extended to Ireland. But with this individual pensioners have no concern. The honour of the Imperial Parliament is at stake; it is certainly desirable that pensioners to whom pensions have been granted should not lose by the Home Rule Bill. Nor need British taxpayers be without consolation. The liability to the £3,000,000 payable to Irish pensioners will of itself die off. In eight or ten years it will have been reduced almost to nothing; in twenty years it will practically have ceased to exist. The plan of the Committee does not touch that supremacy of the Imperial Parliament which the creation and the powers of the Joint Exchequer Board practically undermine. The provisions of the Home Rule Bill retaining such supremacy, for whatever they are worth, remain untouched by the financial proposals of the Committee. The great and crowning merit of the Committee's plan is that it stimulates among Irishmen the sense that their fortunes depend upon themselves. The third leading principle¹ of the Committee's plan is that the obligation of Ireland to contribute to the general expenditure of the realm is to be definitely affirmed.² This, too, is all to the good. It recognises a fact which no loyal Irishman can deny, that the defence of Great Britain and Ireland is their common concern.

The attitude of a Unionist towards every part of the Home Rule Bill must be one of condemnation. For he rightly contends that the grant of Home Rule to Ireland is itself to be strenuously resisted. But he may quite consistently maintain that, if Home Rule is granted to Ireland, the financial policy of the Committee is far preferable to the financial

¹ See p. 74, *ante*.

² See Report of Committee, s. 62, (ii) p. 28. No Unionist need admit that the recommendation is embodied in the Bill.

policy of the Government. Nor can I doubt that there will be found sincere Home Rulers who assent to this conclusion.

My object in this part of my argument has been to ascertain whether our new Constitution will relieve the Imperial Parliament at Westminster from the burden of dealing with Irish business. The result of examining two leading features of this Constitution is as follows: The presence of the Irish delegation, consisting normally of 42 members, and on the most critical occasions of some 65 members, provides a body who assuredly will, and from their own point of view must, employ their power at Westminster, reinforced as it will be by the authority of the Irish Parliament at Dublin, for the attainment of two objects, the first whereof will be to abolish the restrictions placed by the Home Rule Bill on the authority of the Irish Parliament, and the next will be to obtain for Ireland additional subsidies or grants from Great Britain. The financial policy of the Home Rule Bill of itself provides for perpetual disputes between England and Ireland which will mainly be decided by a Board which will exercise powers inconsistent with the real supremacy of the Imperial Parliament, and cannot command the confidence at once of England and of Ireland.

Perpetual demands made the subject of perpetual debates or intrigues will hardly do much to lighten the burden imposed upon the Imperial Parliament by the need for managing Irish affairs which is by far the most popular of modern arguments in favour of Home Rule.

(C) THE BILL DOES NOT PROMOTE RECONCILIATION
WITH IRELAND

Few, indeed, are the Englishmen who would not heartily welcome the Home Rule Bill, whatever its

intricacies or defects, if it gave a reasonable expectation of terminating the secular misunderstanding between England and Ireland. But, to a reasonable man, the Bill holds out no such hope. English Home Rulers imagine that the opening of an Irish Parliament will meet with Irish gratitude and be greeted with Irish applause. In one sense this forecast will be justified. Parliamentary Nationalists will for the moment be pleased. On the opening of the new Parliament, which Nationalism will identify with the old Parliament of Ireland, there will at Dublin be plenty of cheers. Green flags will be hoisted far and wide; a stray Union Jack or two which witnesses the submission, and not the triumph, of England will possibly be cheered by the mob. The Lord Mayor will welcome the presence of George V., or even of the Lord-Lieutenant, and will perhaps join in singing "God save the King," if indeed he happens to know the tune. But, amid all the cheers and raptures of the mob a reader of history may call to mind the enthusiastic belief of Grattan that the parliamentary independence of Ireland would put an end for ever to every misunderstanding between Ireland and England; and some old man here and there may painfully recall the 6th of May, 1882, and the tragedy of the Phoenix Park. Even the most light-hearted of politicians will be compelled to recollect that the cheers of the populace at Dublin will be met by the solemn curses of the Protestants of Belfast. The cheers of the Dublin mob will not be hypocritical. The expressions of a crowd always in a sense savour of truth, but the plaudits of the masses at Dublin must mean very little. They will echo the unfounded belief that Ireland has obtained that national independence of which, let the Prime Minister say what he will, the Home Rule Bill, with its supremacy of the Imperial Parliament, with its admission that the Imperial Parliament has the

right to legislate for Ireland, with its restrictions on Irish legislation unknown to every one of the British Dominions, is the formal denial. Every revolution must, for a moment, be popular with its advocates. Yet it always is succeeded by disappointment. No measure was ever more truly sanctioned by the vast majority of the people than the Reform Act of 1832. It had agitated the country for about four years. Yet Sydney Smith, even before the Bill passed into law, warned his hearers in a speech as sagacious as it was humorous against the pressing peril of exaggerating the blessings which would flow from one of the wisest pieces of legislation ever passed by Parliament. He was right. Within two years of the passing of the Reform Act the Whigs had lost their popularity, and Peel, as the leader of the Conservatives, was felt to be the most powerful of our living statesmen. Gratitude is a personal virtue or grace. It has no true application to politics.¹

But there are special reasons why the Home Rule Act can never command true popular enthusiasm. It is based on compromises concealed by ambiguity. It cannot and does not touch the roots of Ireland's sufferings and complaints. Ireland is a poor country; the Home Rule Bill cannot give her riches. The immediate effect of Home Rule, in spite of the liberal donation of £2,000,000 presented to Ireland by the British taxpayers,² will make Irishmen more sensible than ever of the difficulty of their country "living on its own." The Irish people have for now more than forty years been led by fanatics and zealots, who have dangled before the eyes of Nationalists the freedom, the happiness, and the prosperity to be created by Home Rule. There can be nothing but disappointment when it is found that

¹ See *A Leap in the Dark*, pp. 115, 116.

² See p. 64, *ante*.

Home Rule introduces a system of economy suitable to the position of a country poor in natural resources, which, as many Irishmen have been taught to believe, need State aid for their development. Economy means retrenchment. The cost of the Post Office, for example, must be cut down. Savings may possibly be effected in the Irish judicial establishment. The cost of national education must be diminished or at best must not be suffered to increase. This reign of economy or of parsimony must begin at a time when the government of every civilised country in Europe is carried on at a yearly increasing cost. And Ireland suffers from one special difficulty arising, not from bad laws or from short-sighted statesmanship, but from the decrees of providence. Ireland lies close to England, and Irishmen of ability can obtain pecuniary rewards in England which they cannot gain in the service of Ireland.¹ Thrift, economy, and self-help are high virtues, but they are not pleasant virtues; they never will gain, and never have gained popularity for any form of government. Home Rule, even under the strange shape which it assumes in the Bill of 1912, does in some degree cut Ireland off the resources of the Imperial Exchequer. It is, for example, by no means plain that British taxpayers will be, when Ireland shall have got a Government and Parliament of her own, under any constitutional or moral obligation to carry further the policy of the Irish Land Purchase Acts. If this be so, Irish tenants may soon regret the day when the wealth of the United Kingdom facilitated their purchase of the land which they occupied. An Irish Cabinet may conceivably come to doubt whether it was prudent to take the Irish Post Office, which does not pay its

¹ This fact is, at any rate, the cause, if it be not the entire vindication, of the necessity for offering to the Civil Service of Ireland salaries perhaps out of proportion to the wealth of Ireland.

way, out of the list of Reserved Services whereof the cost falls on the Imperial Exchequer, and an Irish Chancellor of the Exchequer will soon realise that the £6,000,000, or more, of the Transferred Sum on which Ireland has to count for the payment of Irish Services will not increase with the increasing cost of such services or with the diminishing proceeds of Irish revenue.¹

One conclusion is certain. If the revenue of Ireland does not meet her wants it can be permanently increased only by the cutting down of Irish expenditure or by the increase of Irish taxation. Neither process will be popular; the increase of taxation may well render Home Rule, as established by the Home Rule Bill of 1912, the object of popular abhorrence.²

Here we reach the very root of my difficulty in believing that the Home Rule Bill will, in the long run, conciliate the good-will of Ireland. If the prosperity which Home Rulers look for does not quickly arise, and if ordinary Irishmen find that Home Rule does not fulfil their expectations, it is easy enough to see that their disappointment will be attributed

¹ The policy of the Home Rule Bill is in reality based on the assumptions that, under Home Rule, the revenue of Ireland will constantly increase, and that the cost of the government of Ireland admits of considerable and rapid diminution. These assumptions may be hopes of a fatuous optimism, but are certainly not supported by ascertained facts.

² Bonaparte, when he seized power by the *Coup d'État* which made him First Consul, showed his extraordinary sagacity by his absolute refusal to increase the taxation of France, and this at a time when the French Treasury was so empty of money that even government officials could only with the greatest difficulty obtain payment of their scanty salaries. He knew that France was a rich country, and his refusal to levy new taxes ensured the popularity of the Consulate and of the Empire. The Provisional Government of 1848, in order to meet far smaller financial difficulties, imposed a new tax upon the French people. The tax was the ruin of the Republic: the small landowners rallied round Louis Napoleon, sanctioned the *Coup d'État* of December 2, and welcomed the revived Empire.

to the limitations, real or supposed, imposed by the Home Rule Act on the independence of Ireland. Every complaint which an Irish Nationalist could direct against the Home Rule Bill of 1893 may, in substance, be turned against the Home Rule Bill of 1912, and in some respects the Home Rule Bill now before Parliament is even more objectionable, from a Nationalist point of view, than the Home Rule Bill of 1893.¹ Let us consider for a moment some of the objections which Nationalists such as Mr. J. Redmond or Mr. Sexton might bring against the Bill which ministers are forcing through Parliament without obtaining the assent of the people. Such satisfaction as Nationalists may feel absolutely depends on the new Constitution being worked exactly in the way which they desire; but there is no security whatever that this is the way in which the Parliament at Westminster will or can make the Bill work, for the Bill is based, as I have proved,² on a monstrous piece of political equivocation. The supremacy of the Imperial Parliament means, to Englishmen, even though Home Rulers, some form of real power or sovereignty. To Irish Nationalists it is an empty phrase, of little meaning. But this ambiguity itself will often fill Nationalists with sometimes reasonable and sometimes unreasonable fears. The Imperial Parliament will, they may think, assert its power in Ireland. The use of the veto to annul the effect of an Irish Bill or the passing of any legislation by the Parliament at Westminster which extends to Ireland will fill every Irish Nationalist with indignant resentment.

We may go further than this. The new Constitution creates new elements of future discord. It denies to Ireland the rights of a nation. It does

¹ See *Leap in the Dark*, chap. iii. pp. 112-31.

² See pp. 35-41, *ante*.

not concede to her the full privileges of colonial independence. It imposes upon her Government and Parliament restrictions absolutely unknown to New Zealand or any other Dominion. The Home Rule Bill further, as interpreted by its authors,¹ violates the parliamentary traditions dearest to Irish patriotism, for it gives to the Imperial, or British Parliament, the effective power of repealing statutes passed by the Irish Parliament, and also of imposing taxes upon Ireland. If these powers be not a mere sham, Irish agitators will soon allege that the authority conferred on the Imperial Parliament revives at once the injustice of Poynings' Law, and in substance re-enacts the Declaratory Act of 6 Geo. I. c. 5, the repeal whereof was the glory of Grattan. Nor can any genuine Nationalist acquiesce in the prohibition of Ireland arming, even in self-defence. Mr. Childers, the ablest defender of Irish Home Rule, though not, I imagine, himself by birth an Irishman, asserts, on his own authority, that Ireland does not want separate armaments, and tells us that "the sporadic attempts to discourage enlistment in the Imperial forces are, as every sensible person should recognise, the results of refusing Home Rule."² He, however, asserts—and, from his own point of view, most reasonably asserts—that arrangements should certainly be made to permit the raising of volunteer forces in Ireland, and intimates the opinion that it would be most convenient to leave matters with regard to the organising and arming of volunteers in Ireland in the hands of the Irish Legislature. This is not the opinion of the men who have framed the Home Rule Bill. They have studiously provided that the Irish Parliament shall not have power to make laws with regard to "the Navy,

¹ See Sir J. Simon, *Parliamentary Debates*, Dec. 2, 1912, col. 1946, and p. 57, *ante*.

² Childers, *Framework*, etc., pp. 217-19

the Army, the Territorial Force, or any other naval or military force, or the defence of the realm, or any other naval or military matter.”¹ The reason is obvious. Even Liberal Ministers must remember the history of the Volunteers of 1782. The so-called “policy of trust” is not found compatible with the creation of an army which might take its commands from the Irish Cabinet. Irishmen, whether Home Rulers or Unionists, are generally, in regard to Ireland, Protectionists.² It is certain that Irishmen will not easily acquiesce in restrictions which prevent the attempt to give prosperity to their country by a protective policy.

Note, further, that our new Constitution has, to a limited extent, a federal character; but note, at the same time, that the relation between England and Ireland contemplated by the Home Rule Bill involves the consequence that every act of the Federal power which restrains Irish independence will seem to Irishmen, and to a certain extent will really be, the action of England.

The Judicial Committee of the Privy Council, which determines whether an Irish Bill or an Irish Act is unconstitutional, and therefore void, will be to any Irishman not a Federal, but an English Court. The extraordinary Joint Exchequer Board³ will, to him, be in substance an English Board. The Federal power, in short, will be to him the power of England. To him a Viceroy who, instructed by an English Ministry, vetoes Bills passed by an Irish Parliament and approved of by the Irish people, will be simply an English official who resists the will of Ireland. The Imperial Parliament, whenever it ventures to impose laws upon Ireland which may not be popular with Irishmen, and, above all, if it

¹ Cl. 2, sub-cl. 3.

² Such, for example, was that most distinguished Unionist, Mr. Lecky.

³ See pp. 66-72, *ante*.

tries to impose a new tax upon Ireland, will be regarded in Ireland, not as a Federal Assembly, but as an English Parliament in which Ireland is inadequately represented. The collectors of every tax levied in Ireland will be English officials, and just for that reason specially unpopular. It is singularly unlucky that the whole revenue of Ireland should, in the first instance, be paid over to the Imperial, or, as an ordinary Irishman will think, to the English Exchequer. It is ten to one that the complicated arrangement about the repayment to the Irish Exchequer will never be properly understood by Irish electors. They will certainly imagine that any sum not paid back is, in reality, appropriated by the English Exchequer to English uses. And even among the small body of Irishmen, who really understand a needlessly complicated transaction, there will be many persons who will maintain that all the questions of finance which concern the relation between England and Ireland are determined by the Joint Exchequer Board whereof the majority are officials of the English Government, who in fact act as an English Board. This Board is quite as likely to incline towards the Irish view of any question brought before it as towards the English view; but this statement is quite compatible with the risk, that the Board will not command, on critical occasions, the perfect confidence either of England or of Ireland, and it needs little knowledge either of English or of Irish history to feel assured that such a Board will in Ireland, whenever it gives any decision opposed to the feeling or the apparent interest of Ireland, be denounced as a body of Englishmen who are oppressing Ireland.

The Board, further, is absolutely certain to raise discontent, and discontent of a very bitter kind, if ever it decides that the condition of the Irish revenue is such¹ that there ought to be a revision of the

¹ See Home Rule Bill, cl. 26.

financial arrangements laid down by the Home Rule Bill for the purpose of securing a proper contribution from Irish revenues towards the common expenditure of the United Kingdom, *i.e.* in substance towards the common expenses of Ireland and England. Is it possible to imagine that the announcement that Ireland ought to support the burden of taxation from which she may have been long exempt will not excite the vehement protests of Irishmen? And the mere fact that the power (which ought never to have been committed to any Board whatever) of in effect determining whether an occasion has arisen on which the Irish representation at Westminster should be increased by thirty members or more, is exercised by the Board in regard to finance will, as I have already pointed out,¹ all but inevitably raise the most burning of questions between England and Ireland. It requires no great foresight to perceive that, if the representation of Ireland ought to be increased whenever the question arises whether Ireland is called upon to contribute to the cost of Imperial expenditure, the demand may be made that Gladstone's old idea should be revived in another form, and that whenever any material change in the Home Rule Bill is contemplated Ireland should have the same addition to the number of her representatives in the Imperial Parliament. True it is that Gladstone's idea absolutely excluded representatives of Ireland from the Parliament at Westminster unless a question arose as to some change in the Home Rule Bill of 1886. True it also is that, to grant the Irish demand for additional representatives whenever the Bill is to be modified, would be the sacrifice of the only benefit which the Home Rule Bill confers upon England. But it is not at all certain that it might not obtain support from a majority of Liberals who were also

¹ See p. 69, *ante*.

Home Rulers. Partisanship has the keenest provision as to the effect of any measure on party interests, and it is quite conceivable that some Radicals and Socialists may already somewhat fear the diminution of the number of Irish representatives on whose co-operation the Coalition can at this moment count.

However this may be, it is certain that the Home Rule Bill, when it has passed into law, will not be long popular in Ireland. It may be the cause of an evil which the mass of Irish Nationalists will not at first perceive. The Bill, while it breaks up the political unity of the United Kingdom, still chains together the two countries which it forbids to continue one country. It thus mixes up the government of Ireland with the fluctuations of British party conflicts, and makes impossible the one benefit which Home Rule might conceivably confer upon the Irish people. I prefer to quote, as I have often quoted, the words of the sincerest of English Home Rulers, Lord Morley of Blackburn. They were spoken in 1886. They refer, indeed, to a scheme more complicated in several respects than the present Home Rule Bill; but they hit the evil of any scheme of Home Rule which sends Irish representatives to Westminster:

“Depend upon it that an Irish Legislature will not be up to the magnitude of the enormous business that is going to be cast upon it unless you leave all the brains that Irish public men have got to do Irish work in Ireland. Depend upon this, too, that if you have one set of Irish members in London it is a moral certainty that disturbing rivalries, disturbing intrigues would spring up, and that the natural and wholesome play of forces and parties and leaders in the Irish Assembly would be complicated and confused and thrown out of gear by the separate

representatives of the country. All this is bad enough." ¹

Englishmen who hold that the Home Rule Bill will, at any rate, conciliate Ireland are apt to assume that the opinion of Parliamentary Nationalists represents the whole, or by far the most important, part of the opinion of Ireland. This delusion may now be dispelled by the one word "Ulster." On this topic words published by me in 1893 represent my matured belief in 1913 :

"Ulster, Protestant Ireland, and indeed, speaking generally, all men of property in Ireland, whether Protestant or Catholic, detest Home Rule. They hate the new Constitution, they protest against the new Constitution, they assert that they will to the utmost of their ability resist the introduction and impede the working of the new Constitution. Their abhorrence of Home Rule may be groundless, their threats may be baseless ; their power to give effect to their menaces may have no existence. All that I now contend is that the strongest, and the most energetic, part of Irish society is in fact and in truth bitterly opposed, not only to the details, but to the fundamental principle, of the new polity. It avails nothing to urge that the Protestants and the educated Catholics are in a minority. This plea shows that in Parliament they can be outvoted ; it does not show that they will, or can, be pacified by a policy which runs counter to their traditions, their interests, and their sentiment. You cannot vote men into content, you cannot coerce them into satisfaction." ²

The events of to-day add strength to my convictions of 1893. The Covenant of Ulster, whether we

¹ Mr. Morley at Newcastle, *The Times*, April 22, 1886. See the whole passage cited in *A Leap in the Dark*, 2nd ed. pp. 39, 40.

² See *A Leap in the Dark*, 2nd ed. pp. 113, 114.

approve of it or not, is no trifle. It is no matter for jocosity; it is the voice of Protestant Ireland, and in effect the voice of every Irish Unionist; it is a solemn protest against an act of outrageous injustice. The bitterness of the men of Ulster is explained and increased by a thought to which I will only allude. It is the thought that, in a really independent Ireland, they would have the moral and physical strength to hold their own. There is much in history, both ancient and modern, which at any rate proves that such an idea rests on something much more solid than any form of braggadocio.

The position, then, of the Ulstermen in their own eyes is this: Our fathers objected to the Act of Union; experience has taught us that the absolute political unity of Great Britain and Ireland is the guarantee of the maintenance of justice throughout the United Kingdom. We are completely loyal to the King and to the Parliament of the United Kingdom. We ask only to remain what we have been for a century and more—citizens of the United Kingdom, subject to no Parliament but the Parliament of the United Kingdom. The proclamation, "We will not have Home Rule," is a protest against a double injustice. The one wrong is that we are deprived of the rights of citizens of the United Kingdom; the other wrong is that the power of the United Kingdom is to be used for compelling us to obey a Parliament to which we owe no allegiance, and which, were Ireland an independent country, would not dare to oppress us. This is assuredly an ominous line of thought; it may lead to very disastrous results.

To the English Home Ruler who really and seriously believes that the Home Rule Bill will pour benefits and blessings on the whole United Kingdom I have nothing to say but to deplore his blindness and to warn him to think twice before he assumes that the reconciliation of Ireland and

England can in reality be achieved by a policy which has already revived animosities which were dying away, and, if it receives plaudits from the mob at Dublin, provokes the stern indignation of all that is best and strongest in Ireland. But in addressing any Unionist I must add that no man who does not feel absolutely convinced that the Home Rule Bill will certainly tend towards the welfare of the whole United Kingdom can for any minor object, such as the maintenance of Free Trade, or the promotion of Tariff Reform, dare to sanction, by his vote or by his abstention from voting, a measure which a quarter of the inhabitants of Ireland resent as a gross injustice.

It is well, however, not to forget that, besides the men of Ulster, there exists a small but energetic body of Irishmen who, from the nature of things, cannot accept the Home Rule Bill of 1912. What may be the influence of the Sinn Féin, or of the Gaelic League, it is not for me to determine. One, at least, among the most eminent of Irish Unionists, and one of the most patriotic of Irishmen, who is now, to the great loss both of England and Ireland, taken from us, feared that the influence of the Sinn Féin might greatly increase. Each of the two bodies represents a fanatical form of Nationalism. They may, from fair-minded Englishmen, command a certain respectful hostility because these two associations have seized hold of the true idea that Irishmen can and should trust in their own energy and not rely on advantages to be wrung from the Exchequer of the United Kingdom. That each of these societies is filled with hatred of England, or Great Britain, no sane man will dispute. I cast my eyes upon a pamphlet giving various answers to the question, What is the use of reviving Irish? The reply may be summed up in one sentence. The revival of the Irish language will promote separation from England. Enthusiasm for this object blinds the pamphleteer

to the plain fact that the men who have given real fame to Ireland, such as Burke, or Grattan, wrote and spoke English, and most of them could speak no other tongue. Note, too, that the revival of the Irish language is merely a step towards an agitation which shall forbid the use of any but Irish goods, and further that a system of voluntary protection as rigid as public opinion will enforce, will, as the Gaelic League declares, "give rise to abuses for which it will be incumbent upon Irishmen to devise a remedy." Is it possible to express in plainer words the wish that British goods should first be boycotted, and then be excluded from Ireland by a protective tariff? There can be no man so blind as not to see that the fanaticism of Nationalism will certainly not be conciliated by a Home Rule Bill which denies to an Irish Parliament the freedom of taxation possessed by every Dominion throughout the Empire. The optimist who believes that either the Loyalists of Ulster, or the Nationalists to whose sentiments the Sinn Féin and the Gaelic League appeal, will be conciliated by the Home Rule Bill of 1912 is at best a dreamer who has wandered into, and cannot be induced to flee from, a fool's paradise.

SECOND LEADING PROPOSITION.—THE HOME RULE BILL THREATENS THE GRAVEST DANGERS TO ENGLAND.

(1) *Enfeeblement of English Government.*—The Home Rule Bill will produce the enfeeblement of the Government of England.

The strength of our Government depends on the admitted and real sovereignty of Parliament throughout every part of the United Kingdom, and, in fact, also throughout every island, such as Man or Jersey, adjacent to England. Hence, at great crises, parliamentary government has with us exhibited as much energy as the most despotic ruler to be found on the European Continent. Parliament could, and would were the necessity acknowledged by the country,

within twenty-four hours suspend the Habeas Corpus Act. A Premier worthy of his position would, if need be, act in a moment as if the Act were suspended, and trust to a statute of Indemnity. In its action towards Foreign Powers a Parliamentary Cabinet has at times shown the same startling authority as the Parliament on which its existence depended. The seizure by armed force in 1807 of the Danish fleet, when Denmark was at peace with this country, was the salvation of England. The stroke was necessarily carried out without parliamentary sanction. At a later day¹ the purchase of the Suez Canal shares, also a triumphant stroke of statesmanship, was carried through in effect without parliamentary sanction by a statesman convinced that his boldness would receive the ratification of an omnipotent Parliament. The Home Rule Bill, conceal the fact as you may, strikes at the root of the supremacy of the British Parliament. In Ireland, at least, it establishes a system of dual control. Such control necessarily means diminished strength. It, in fact, introduces into the government of the United Kingdom an ill-regulated form of federalism. But federal government, which inevitably involves distribution of sovereign power, means at bottom comparatively weak government. No country contains within itself more force and power than do the United States of America; but in 1861, when the very existence of that Democratic Commonwealth was at stake, the temporary feebleness of a Government created by the Federal Constitution deprived the United States of the power of defending Fort Sumter against the rebels of South Carolina. I do not doubt that, under Home Rule, the British Cabinet and the Irish Cabinet might pursue the same united course of action. So be it. But there is no certainty of this,

¹ See *Annual Register*, 1875, pp. 119-126.

harmony, and disagreement will mean compromise and feebleness.

(2) *England unaccustomed to Federalism.*—England herself, unaccustomed as she has always been to any form of federalism, will find the greatest difficulty in paying the respect which is due to what may be called the federal spirit, or, in other words, to the spirit of the Home Rule Bill.

Let my readers peruse with care the words of Sir Frederick Pollock which I have already quoted.¹ They exactly express the ideas of a fair-minded English convert to Home Rule. He believes that the Home Rule Bill, when it comes into force, will morally compel the Imperial Parliament, in spite of its nominal supremacy, to "harden its heart against all endeavours, from whatever quarter they may proceed, to obtain any alteration in the scheme,"² save as it may be required by the regularly expressed will of Ireland as a whole. This should be an understanding outside and above all party divisions, British or Irish." And he holds that the necessity for this understanding is not affected by the fact that forty-two members from Ireland will continue to sit at Westminster. I do not accept his interpretation of the Bill. The excuse for the retention of the Irish delegation was the desire even of English Home Rulers to strengthen the supremacy, weak though in fact it may be, of the Parliament at Westminster. Grant, however, for the sake of argument, that the Home Rule Bill embodies the understanding suggested by this eminent jurist. It is a self-denying ordinance to which the Parliament at Westminster will never, in the long run, submit. Will English Free Traders tolerate the promotion in Ireland of Protection by the means of bounties? Will English humanitarians,

¹ See p. 41, *ante*.

² "Scheme," I suppose, means the Home Rule Act.

manufacturers, or artisans bear with equanimity the repeal in Ireland of factory laws if it offend English humanity and may give some advantage to Irish manufacturers over their English rivals? Would English moralists see with equanimity a quite possible attempt to add to Irish revenue by the foundation of lotteries or the creation at Dublin of a rival to Monte Carlo? What will be the feeling of the Nonconformist conscience if the Irish Government contrives, without technically violating the prohibition of laws which interfere with religious equality, to confer pecuniary emoluments on the Roman Catholic Church, which is after all the Church of the majority of Irish people?¹ What will be the feelings of the British elector should British troops, under British officers, be marched into Belfast to enforce obedience to laws passed by the Parliament at Dublin? I will not give any answer to these questions. But I make one further inquiry, and ask each of my readers to give it his own answer. Is it credible that in any one of the cases I have raised, and of a thousand more, where the prejudices, the moral convictions, the generosity of Englishmen, or their sense of justice, are touched, the Imperial Government and the Imperial Parliament will pay no more attention to what is taking place in Ireland than they do to acts of oppression or impolicy committed in, and sanctioned by, the Government or the Legislature of some province belonging to the Canadian Dominion or the Union of South Africa? For note that this philosophic indifference to the conduct of the Government of Ireland will be required of a Parliament of which the Home Rule Act itself will have declared that "notwithstanding the establishment of the Irish Parliament, or anything contained in this Act, the

¹ It is not at all clear that, by a little judicious drafting, such a law might not be made so as not to fall within the Home Rule Bill, cl. 3.

supreme power and authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters, and things in Ireland and every part thereof.”¹

(3) *Prolongation of the Home Rule conflict.*—The Home Rule Bill,² is not the close, but the beginning, of a lengthy conflict between England and Ireland. I have already dwelt upon the kind of alterations which even the most moderate of Irish Home Rulers, and still more certainly every Irishman who is a genuine Nationalist, will sooner or later put forward. Ireland under Home Rule will insist upon the rights or privileges, at lowest, of one of our self-governing Dominions, and Irishmen inspired by genuine faith in the blessings of Nationality will feel that even the practical independence of a Dominion falls short of the just claim of Ireland to independence, such as is possessed by Switzerland or Italy as an independent nation. If Norway, without the proof of any serious oppression on the part of her powerful neighbour, could separate peaceably from Sweden, why, it will be said, should England object to the separation of Ireland from Great Britain? Irishmen are and always have been for the most part Protectionists; they will soon demand for their Parliament that power to introduce Protection into Ireland which is possessed and may be exercised by the Parliament of each one of the Dominions in regard to the country which it governs. Irishmen and the Irish Government will assuredly soon ask for an Irish Army, and there are already English Home Rulers who consider the claim to be just. Now the perils involved in the grant of an armed force to a semi-independent Ireland are so great, and may soon become so pressing, that the matter is worth

¹ See cl. 1 (2).

² See pp. 81-95, *ante*.

special consideration. The Home Rule Bill, as it stands, does not permit the Irish Parliament to pass a law for the raising of an Irish Army or even an Irish force of Volunteers.¹ What, however, would be the position of Mr. Asquith and his colleagues if one of the first steps taken by an Irish Parliament—filled, be it remarked, as Mr. Asquith hopes, with the “traditions” of the old Parliament of Ireland—were to pass resolutions that the raising of a body of Irish Volunteers is as absolutely necessary in, say 1914, as it was in 1782? This end, be it remarked, may be attained without any technical change of law. True it is that the Volunteer Acts do not apply to Ireland, but the Territorial and Reserve Forces Act, 1907, does in strictness extend to Ireland.² The Act has, I believe, not been as yet applied to Ireland, but, with the assent of the Army Council, it can assuredly be applied to Ireland or to any part thereof. Now the Army Council is a body pretty well under the control of a Secretary of State—in other words, of the Cabinet of the day. A Government influenced by the spirit of Home Rule could therefore at any moment, apply the Territorial and Reserve Forces Act to Ireland, and thereby, if the Home Rule Act were in existence, create an Irish force or army composed in effect of resident Irishmen. No doubt this Territorial Force would be technically an army or force of the King, but does any one really believe that this force would not, in Ireland, be controlled by the Irish Cabinet? Here we come round again to one of those terrible ambiguities which make the Home Rule Bill full of peril to every part of the United Kingdom. The Lord-Lieutenant would, no doubt, under instructions from England, try to carry out

¹ See Bill, cl. 2 (3).

² See Territorial and Reserve Forces Act, 1907, sec. 1, sub-sec. 1, and sec. 2.

in regard to the Territorial Forces the instructions of the British Cabinet ; but what would be the state of things if an Irish Cabinet, supported by the Irish Parliament, offered their resignation unless the Cabinet were in reality allowed to control every question having reference to what they would rightly enough call the Irish Army? Our Ministers have again and again been pressed with questions as to how a Lord-Lieutenant would act if the instructions received from London were diametrically opposed to the advice given him by the Irish Cabinet. To these inquiries no Minister has given, and no Minister can give, a reply. But the silence or the ambiguities of a Minister cannot get rid of the clear answer given to any one who consults the history of colonial constitutionalism. It is certain that the Governor of every Dominion is more and more guided or controlled by the advice—in other words, by the commands—of the colonial Cabinet. The reason is obvious. No colonial constitution could be kept in working order if the Governor could not find a Cabinet supported by the legislature of the Dominion. The Lord-Lieutenant of Ireland will assuredly find himself very nearly in the position of a colonial Governor. He, too, will find himself driven to follow the advice of the Irish Cabinet, for if he does not take this course the whole Home Rule Constitution will, as regards Ireland, break down.

Here we are forced upon a question which I would willingly have avoided, but which I am compelled to ask, and to the best of my ability answer. Can we feel any confidence that an army raised in Ireland, which is not only an army of Irishmen, but a very different thing—an Irish Army, will support the Government of what will still, I suppose, be mis-called the United Kingdom, and the Parliament at Westminster in any matter where there is a division of opinion between the Government and the people

of Ireland and the Government of Great Britain—or, as it will surely be called in Ireland, the English Government? I know as well as any man how much the military genius of Ireland has contributed to the glory and the triumphs of British armies. I know how faithfully Irish officers and Irish soldiers have served the King of England; but then, the United Kingdom has never known the spirit of federalism. Under the Home Rule Bill, with all its semi-federalism, the officers and soldiers alike of an Irish Army may doubt whether their allegiance is due to the Irish or to the Imperial Government, or, as they would put it, to the King and Parliament of Ireland, or to the King and Parliament of England.¹ The officers, in short, and the soldiers of the Irish Army would, each man, find his allegiance divided and his conscience distracted by the very problem which tormented the conscience of General Lee, and the solution whereof led him to take up arms against the United States.² This is a perplexity which has never hitherto harassed any Irish soldier of the King.

In these circumstances, even our present Ministers may naturally hesitate to yield to any demand for an Irish Army. But they or their successors will, under the Home Rule Act, find themselves in a terribly difficult position. Concession to this demand will endanger the peace of the United Kingdom; the refusal to grant it will mean the renewal, under a singularly bitter form, of the old conflict over Home Rule.

(4) *The peril to English finance.*—It is for financiers to examine with minuteness the finance of the Home

¹ It is quite possible that matters connected with the administration of the Army in Ireland may be transferred by the Government of the United Kingdom, *i.e.* the British Cabinet, to the Government of Ireland, *i.e.* the Irish Cabinet, under Clause 40. See Birrell's answer to Amery, *Times*, November 6, 1912, p. 10.

² See p. 19, *ante*.

Rule Bill, yet a mere constitutionalist may note that in two cases, at least, Home Rule finance may shake the credit of England. The security, in the first place, for payment into the Imperial Exchequer of the £2,000,000 and more due as instalments or annuities from purchasers under the Irish Land Purchase Act is lessened by the Home Rule Bill. Under the Bill the security is the Transferred Sum; this replaces the present security, which consists of the grants made from the Imperial Exchequer in aid of local taxation. The material difference is this: the deductions to-day in respect of defaulters are made county by county, so that the defaulter brings about a decrease in the grant and a consequent increase in the rates of the county. Hence the local ratepayers have an inducement to bring pressure to bear on all annuity-payers in the county to keep up their payments. This personal inducement is lost under the Bill. There is a great risk, at least, that the Irish Parliament may make up the deductions, caused through the defaulters, by way of a general tax imposed on the whole of Ireland. But then, again, if there were a considerable default made by the annuity-payers, amounting, say, to a million, the deduction of this sum from the Transferred Sum would throw out the whole plan of Irish finance. If, as might probably be the case, the Irish Parliament passed a resolution that, on account of a bad season, the payment of the annuities ought to be remitted, there would arise a moral impossibility of the enforcement thereof by the Imperial Parliament. In other words, under the Home Rule Bill the payment of annuities under the Land Act would constantly turn rather into a national dispute than a question between the Imperial Government and a limited number of Irish farmers.

Turn now to another instance of the way in which the finance of the Home Rule Bill may affect English credit. If Ireland raised a loan

on the security of the Transferred Sum the Joint Exchequer Board—a body created under an Act of the Imperial Parliament—would see to the payment of the interest thereof from the Transferred Sum.¹ Suppose that Ireland were to fail in the due payment of such interest, is it not certain that creditors would hold that the credit of England was pledged for Irish solvency? From whichever side the matter is looked at, Irish finance is, under the Bill, hopelessly mixed up with the finances of the United Kingdom.

(5) *The encouragement of spurious Nationalism.*—When Home Rule was, some twenty-six years ago, offered to the acceptance of England by the eloquence of Gladstone, it was presented to the people as the one means of closing the secular controversy between England and Ireland, and as the only method for meeting the special wants and desires of the Irish people. No one, I venture to say, in 1886, seriously proposed to disturb that Union with Scotland which was the greatest triumph of Whig statesmanship, and has, in fact, brought about the complete political unity of Great Britain. I doubt whether, in 1886, twenty Members of Parliament from among the English or Scottish supporters of Gladstone's Home Rule Bill were prepared to advocate the creation of a Scottish Cabinet and a Scottish Parliament. Few indeed were the Gladstonians who in 1886 had any serious thought of granting Home Rule to Wales. To-day an English Premier wishes not only to relax or destroy the union with Scotland, as well as the union with Ireland, but also to put an end to that unity between England and Wales which has been the work of centuries. In a strange fit of historical forgetfulness or ignorance,† Mr. Asquith wishes to renew the traditions of the old Parliament of

¹ See cl. 23.

Scotland,¹ and apparently also of the Parliament of Ireland. Englishmen of good education are often totally ignorant as to the history of the Scottish Parliament, and are under strange delusions as to the parliamentary history of Ireland. One meets gentlemen of intelligence who find it hard to distinguish between the union of Crowns under James I. of England and the union of Parliaments under Anne. But I had not expected to hear an English Prime Minister express the wish to revive the "traditions" of the ancient Parliament either of Scotland or of Ireland. Does he know that the tradition of the Scottish Parliament was to look upon England as a foreign and hostile country, and that, not two years before the passing of the Act of Union, that Parliament had passed Acts intended, on the death of Anne, to destroy the personal union of Crowns and to prepare for war with England? Does he know that the Union with Scotland for the first time established a spirit of peace throughout the whole of Great Britain? Does he know, or has he ever reflected, on the undoubted fact that the true genius of Scotland never earned the recognition of Europe till the Union with England had appeased animosities which were the growth of centuries? Does he remember, or has he ever noted, that Adam

¹ "When," he says, "we go on, as I hope we shall go on, in time to deal with this problem in relation to Scotland, I think Scotch sentiment will also demand that whatever body is created there shall go by the name of 'Parliament,' and recall such traditions as are venerable in the institution which was extinguished by the Act of Union between England and Scotland. Historical associations and recent precedent seem to favour this name, and, as the serious question is not by what name the body shall be called, but what shall be the powers with which it shall be vested and its relation to the Imperial Parliament, I think the Committee will agree that on the whole this change in nomenclature proposed in the Bill is a good one," (*Parliamentary Debates*, June 18, 1912, col. 1568). Compare Asquith, *Parl. Deb.*, May 9, 1912, cols. 692-4, and comment by Mr. Ronald M'Neill, *ibid.* June 18, 1912, col. 1568, and Mr. Sandys, col. 1576.

Smith, David Hume, Burns, and Walter Scott were the fruit of a happy condition of things under which the true national spirit of Scotland was at last, in consequence of the Union, diverted from animosity towards England? Has Mr. Asquith, I wonder, ever read a letter written by Scott in which that greatest and truest of Scottish Nationalists tells Miss Edgeworth that, had he lived in 1707, he would have resigned his life to have prevented the Union between England and Scotland, but that in 1825 he is sensible that it was a wise scheme?¹ Never did I witness a more perverse change of opinion than is displayed by the so-called Liberals of to-day, who are attempting, under the influence of partisanship, to arouse in Scotland and in Wales the cry for a Scottish and a Welsh Parliament. Has Mr. Asquith entirely forgotten that the tradition of the Irish Parliament was the constant denial of and opposition to the right, which the Home Rule Bill deliberately sanctions, of the Parliament at Westminster to legislate in any way for Ireland? The Home Rule Bill is likely to raise up a new form of Nationalism far more dangerous than any spirit which Mr. Redmond and his allies can invoke. It is more than possible that Ulstermen, filled with just anger at English desertion, may bethink themselves that an independent Ireland loosed entirely from the English party system, an Ireland in which Ulster would play a leading part, may be better than a scheme of Home Rule which denies the equality of English citizens to the classes most capable of governing Ireland. The most formidable of Irish leaders was Parnell. He was a landlord. He was a Protestant. England may dread the day, which I trust may never dawn, when Ulstermen join hands with the fanatics of the Sinn Féin, and a party of true Nationalists is headed by men whose

¹ Scott's *Familiar Letters*, ii. pp. 311, 312.

attachment to England, being changed into hatred, turn against England the strength of Parnell without its being diminished by his weaknesses or his vices.

General conclusions.—The folly and the danger of the attempt to introduce into the relation between England and Ireland an artificial Federalism is patent. The federal system has no solid basis in the history or the wants of either country. It has no real value to any man inspired with the spirit of Irish Nationalism, except as one of the means for carrying further the agitation for Home Rule, and obtaining, first, colonial, and ultimately national independence. The peril of the introduction of Federalism into the United Kingdom is the greater because it involves the assumption that this Home Rule Bill, bad enough in itself, affords a sort of model for the proper government of Scotland and of Wales. Nor does the evil to be expected from this Bill end here. Ireland, though for an indefinite time she is not to contribute towards the cost of defending the Empire, is to be granted forty-two representatives in the Parliament at Westminster. What will our Liberals say if they find that they have roused up in the Australian Commonwealth or in the Canadian Dominion a demand that Canada and Australia shall be directly represented in the Imperial Parliament? It would not surprise me to find that the perfectly rational effort to create a real alliance between England and her self-governing Dominions under which they shall each and all join with England in defence of our common Empire may be delayed, thwarted, or, though it now has great chances of success, be rendered abortive by the senseless attempt to mix up so-called Imperial Federalism, which I should prefer to term Imperial Alliance, with the attempt to federalise the United Kingdom. In any case, I am well assured that the spirit of Nationalism is too serious a matter to be made the plaything or the tool of partisanship.

There must be many patriots who, if they in any measure agree with my criticism on our new Constitution, will join with me in one reflection which should never be long absent from our minds. Honest Home Rulers must admit that the policy of Home Rule involves a gigantic change in the whole character of our Constitution. It is a policy which, when once understood, will be to every foreigner a policy which weakens the whole United Kingdom. Federalism, Home Rule, the colonial independence of Ireland, or whatever be the name by which a Home Ruler may prefer to describe the aim of the Home Rule Bill, bears on its very face one characteristic. It is assuredly not a step towards national unity; it is a very long step towards separation. Every foreign Power will see in the enactment of the Home Rule Act a sign, not of England's power, but of England's feebleness. The times are critical. Europe is dominated by great military Powers. A patriot may well ask himself whether this is a period when the oldest and hitherto the most powerful among the free States in Europe can wisely show to all the world signs of decrepitude. Something may here be learned from recent experience. Many of us can remember the time when we were all told, and some of us believed, that generous concessions to a foe after England's defeat at Majuba would be a moral victory and impress upon the world the greatness of England's magnanimity. These prophecies of credulous optimists have been utterly confuted by events. Majuba remains the disgrace, not the glory, of England. The war in South Africa was the price of ill-timed concessions; victory restored the credit of our country, and victory alone made possible a policy of magnanimity. The final acceptance by the English people of the Home Rule Bill of 1912, or 1914, will be our political Majuba. Whether England will be able to retrieve her honour and thus regain

her power must depend upon events which cannot be predicted by the boldest of statesmen or by the most impudent of soothsayers.

My criticism of our new Constitution is ended ; it leads to two distinct conclusions.

First, the Home Rule Bill bestows no material benefit whatever on England.

The Bill in reality does not preserve, but destroys, the supremacy of the Imperial Parliament, and it achieves this end in such a form as to create constant controversy between the so-called Imperial Parliament and the newly created Parliament of Ireland. The Bill does not free the Parliament at Westminster from the burden of governing Ireland, for it ties England and Ireland together, not by the link of an equal union, but by bonds which, because of their injustice to each country, will irritate Englishmen as much as Irishmen. The Bill produces no reconciliation between England and Ireland ; it prolongs and embitters the controversy over Home Rule, and places weapons in the hands of Irish agitators which, as far as constitutional arrangements can deprive the stronger of two countries of its superiority, secure the victory of Irish Nationalism.

Secondly, the Bill threatens England, and indeed the whole United Kingdom, with pressing danger, for it encourages spurious Nationalism, and will be to all foreign nations the sign of England's declining power.

CHAPTER III

THE DUTY OF UNIONISTS

PRELIMINARY OBSERVATIONS.—At this supreme crisis, which for good or bad must affect the whole fortune of England, it will be well, before considering what may be the specific duties of Unionists, to insist upon two or three preliminary observations.

The policy of Unionists must absolutely coincide with their duty as patriots. Their one effort ought to be to preserve by every lawful means the political unity of the still United Kingdom. This was their duty and their policy in 1886 and in 1893 ; it is still their duty and their policy in 1913. There is no possibility of compromise between the policy of Unionism and the policy of Home Rule. Unionists themselves often find it hard to face this plain fact. They are daunted by the bold assertion, hazarded by Home Rulers or Separatists, that the Act of Union has brought no benefit whatever to the United Kingdom. This allegation is untrue. The Act of Union has brought great advantages to the whole of our common country. This Act has for now more than a century been the safeguard of Great Britain and Ireland against any rebellion even faintly resembling the savage rising of 1798, and its almost equally savage suppression. The Act of Union has slowly but for ever given to all Roman Catholics, whether English or Irish, the political rights of every citizen of the

United Kingdom. It has secured the strenuous loyalty to the Union of every Protestant throughout Ireland and of hosts of Roman Catholics. We are called upon, especially by Home Rulers, to remember many of the traditions of Irish history which for the peace and prosperity of Ireland ought to be allowed to fall into oblivion; but an Englishman is hardly ever reminded of one circumstance which is no tradition, but an indisputable historical fact—namely, that the loyalty of Ulster has been the indubitable result of that Union with Great Britain of which in 1800 Ulstermen were the most dangerous and the most serious opponents. Many of the men of Ulster had strengthened the resistance of the Thirteen Colonies to the authority of the British Parliament. The terrible calamity of 1798 was, it must be remembered, the result of that misgovernment of Ireland by an Irish Parliament whereof Mr. Asquith wishes to revive the traditions.¹ But the true peril of 1798 was the possibility that the men of Ulster might be found ranged in the ranks of the rebels. No one can now doubt that the Ulster of 1913 demands nothing but the maintenance of the Union with Great Britain. Gladstone himself was perplexed by the question, why it was that Ulstermen whose grandfathers were the opponents of the Union had become the strongest of Unionists? He was puzzled because he refused to see that the cause of this revolution in opinion was to be found in the Act of Union itself. The true vindication, then, of that great statute is that the Act has created the loyalty of Ulster. The Act of Union has, step by step, yet certainly, removed most of Ireland's grievances.² The Act of Union has made

¹ See p. 105, *ante*.

² Irish Home Rulers, in common with most advocates of change, whether it be desirable or undesirable, constantly confuse grievances—that is, wrongs caused by bad laws—with sufferings or misfortunes with which law has little concern.

it possible to use the credit and wealth of the whole United Kingdom for the advantage of Ireland, and thus, without the violence and injustice of revolution, turn the tenants of Ireland into the owners of the land of which they have been the occupiers. This stroke of statesmanship is grounded on the Act of Union. But it is in a special sense the glory of Unionist policy. It is a joy to remember that John Bright, the most strenuous of Unionists, was almost the first English Minister whose broad good sense convinced him that the policy of the Land Purchase Acts was the fair, though indirect, answer to the demand for Home Rule or Repeal. The gradual indifference of the peasant proprietors, or small land-owners, of Ireland to the cry for Home Rule, which never met their real needs, is the vindication of the Land Purchase Acts, and these statutes are the fruit of the Union between Great Britain and Ireland. A law must be judged by its results. There is no reason why any Englishman should, at this time of day, fear to speak of 1800 or of the Act of Union.

If some Unionists are discouraged by the delusion that the Act of Union has not been fruitful of good results, honest Home Rulers fail to understand why it is that, among all Unionists, the Home Rule Bill of 1912 excites intense hostility. Our enmity is caused in part by the sense that the Home Rule Bill of 1912 is more unfair to England than were the Home Rule Bills of 1886 and of 1893. But the bitterness of our opposition is intensified by the conduct of the Coalition by whom England has the misfortune to be governed. A combination of discordant parties is attempting to drive through Parliament, without an appeal to the electors, a policy which has been twice deliberately rejected by the electorate of the United Kingdom.

We detest the Home Rule Bill, moreover, because it inflicts upon Ulster an intolerable wrong; for it takes from the Protestants of that part of the United

Kingdom the right to be really and directly governed by the Imperial Parliament, and by the Imperial Parliament alone. This hateful measure threatens us all with the outbreak of civil war in Ireland. This fact is one to which no Englishman, whatever his own political convictions, has the right to shut his eyes. When the Thirteen Colonies offered resistance to laws actually passed by the British Parliament there were plenty of arguments—and arguments not in themselves absurd—for making no concession to rebels. Burke's reply was summed up in the dictum that, "No man will be argued into slavery." His words passed unheeded. But Burke, as every man now admits, was right. When I am told that Ulster ought not to object to being forced under the rule of a Government which every Ulsterman abhors and contemns, and also to being deprived of the protection of the Imperial Parliament at Westminster, to which they own allegiance, I am reminded that men will not be argued into slavery. But I do not wish for a moment to give undue prominence to the protests, however just, or the wishes, however strong, of Ulster. My whole line of reasoning, as every reader of candour must allow, is based upon the conviction, for which I tender definite reasons, that Home Rule threatens to bring ruin, not only upon Ulster, but upon Englishmen and Irishmen alike. Every loyal citizen of the United Kingdom ought in general, and as a paramount duty, to obey the law of the land, or, in other words, the clearly and indubitably expressed will of the nation. But this duty of absolute obedience is qualified by two considerations to which Unionists and Home Rulers alike must give heed. For at a crisis which gives rise to the horrible possibility of civil war laxity of thought may be the source of infinite peril. The first consideration is that such obedience can be due only when a law is the clear and undoubted ex-

pression of the will of the nation. The second is that there may exist acts of oppression on the part of a democracy, no less than of a king, which justify resistance to law, or, in other words, rebellion. It is idle to suppose that the existence or non-existence of these conditions can be determined by merely technical rules. Grave indeed is the responsibility of any one who excites rebellion; graver still is the responsibility of any man or any party of men by whom acts of oppression are, even under legal form, committed, which to the sufferers seem, not unreasonably, to justify rebellion. These are principles which I believe no Englishman, and certainly no man who, like myself, has imbibed Whig traditions, will ever deny. No doubt they are difficult of application—still I implore each of my readers to bear them in mind, for they are principles which must, to a great extent, control the action of Unionists.

SPECIFIC DUTIES OF UNIONISTS.—On this matter my whole aim is to speak the truth as I see it, whether it pleases or displeases my readers. I am no politician. I have no constituency to dread or to flatter. No man of sense, I trust, will blame me if my opinion as to the conduct required at a perplexed and terrible crisis leads on some points to definite conclusions and on some other points suggests only doubt and hesitation.

First duty.—All sincere Unionists are bound to close up their ranks and stand shoulder to shoulder in resistance to the Home Rule Bill.

In this contest there should be no difference whatever between Free Traders and Tariff Reformers. The unity of the nation is at stake. We must resist Home Rule, as the Northern States of America resisted Secession. Nowhere ought one Unionist candidate to be found opposing another Unionist candidate. We have paid too dear for the blunder of 1906. It is for our leaders to provide

the means by which differences of opinion on fiscal and other subordinate questions may best be removed. Unity, and again unity, and nothing but unity, must be the watchword of Unionism.

Second duty.—The object of all sincere Unionists should be to secure at all costs that the Home Rule Bill shall not be transformed into the Home Rule Act until the plain issue, Shall or shall not the Home Rule Bill, 1912, pass into law? has been deliberately, fairly, and squarely put before the present electorate, and has received an unmistakable answer.¹ One main part of this duty, as far as British Unionists are concerned, must be to spare no labour or expense in making audible to every elector throughout Great Britain the bitter cry of Ulster. But, as every Ulsterman would agree, it would be a dangerous error to allow any Home Ruler to foster the delusion that the resistance of Ulster was the sole, or even, from one point of view, the main objection to a policy of Home Rule for Ireland. The fatal objection to this policy, apart from its gross injustice to Ulster, is, that it threatens ruin to every part of the United Kingdom. I doubt not that when the clear issue, Shall or shall not the Home Rule Bill, 1912, pass into law? is laid before the present electorate, the people of Great Britain will answer, with the people of Ulster, "We will not have Home Rule."

At this stage of my argument I shall be met by

¹ Of course to turn the present Cabinet out of office would, were it possible, be the best way of putting an end to the Home Rule Bill. It would obviously lead rapidly to a General Election which would make apparent to all the world whether the Home Rule Bill was or was not accepted by the electorate. It may be well to add, in order to prevent misunderstanding, that a Referendum, carried out with absolute fairness, would be a much better form of appeal to the people than even a General Election. But it is hard to believe that, in the midst of this hot party conflict, a thoroughly well considered form of Referendum could be enacted, or that we could count upon a Referendum being fairly carried out by the present Government.

the question, What conduct are you prepared to recommend if the electors should return to the newly elected House of Commons a majority of Home Rulers? My reply is this: I will not raise cases on the Constitution. I will not try to give an opinion upon a case which has not yet arisen and may probably never arise. The conduct of Unionists, if defeated at the next General Election, must depend upon circumstances which no human being can foresee. The proper attitude of Unionists would necessarily be dependent, for instance, upon the number, the nature, and the character of the majority by which they were defeated; how far Home Rule has been really placed before the country; whether some question—*e.g.* the position to be taken up by England in a European war—were not the matter on which the election really and substantially turned; whether the dissolution was not started upon the people by surprise without giving them time to consider the result of their vote in regard to Home Rule. These and possibly many other matters would have to be weighed and answered by an honest man called upon to determine what might be the duties of Unionists in a situation which has not yet arisen—a defeat, namely, of the Unionists on a dissolution before the Home Rule Bill shall have passed into law. This is a position of things which Ministers, to judge from their conduct, are resolved shall never arise. They are resolved, as everybody sees, that the Home Rule Bill shall, under the Parliament Act, be turned into the Home Rule Act before a General Election shall provide any sort of appeal to the people. I absolutely decline, in these circumstances, to answer inquiries which are at present in strictness unanswerable. One statement alone may, I think, reasonably be made. A General Election, whilst the Home Rule Bill is nothing but a Bill, a General Election fairly conducted and in which

the sole and real issue before the electors shall have been their approval or disapproval of the Home Rule Bill, would, if such an appeal to the country were answered by a return to Parliament of a large and substantial majority of Home Rulers, manifestly strengthen the case in favour of some form of Home Rule. But the occurrence of this possible calamity is highly improbable. Englishmen think and act slowly, but they have never in the long run proved deaf to the requirements of justice. There is little risk that, when the whole nature and effects of the Home Rule Bill are made clear to the mass of the electors, they will expel from the United Kingdom the most loyal of Unionists, who ask for nothing else than that they should continue to be governed, in common with Englishmen and Scotsmen, as they have been for more than a hundred and ten years, by the Imperial Parliament sitting at Westminster, and by the Imperial Parliament alone.

Third duty.—If the Government, without any dissolution of Parliament, avail themselves of the Parliament Act to transform the Home Rule Bill into the Home Rule Act, 1914, it will be in form a law but will lack all constitutional authority, and the duty of Unionists will be to treat it as a measure which lacks the sanction of the nation.

To this conclusion I have come advisedly and after due consideration. The grounds for it admit of perfectly definite statement.

*I. Why the Act will lack Constitutional Authority*¹

(i) The Act will violate the principle that no Bill which changes the foundations of the Constitution should pass into law until it has obtained, directly or indirectly, the assent of the electors.

This principle has been tacitly but practically recognised by statesmen and by the country for

¹ See *Rights of Citizenship*, with Preface by the Marquess of Lansdowne, K.G., chaps iv. and vi.

at least eighty years. Let me give a few examples as illustrating its nature and application.

Take, first, the great Reform Act of 1832. The leading facts, put shortly, are full of instruction. Parliament, in consequence of the death of George IV., was dissolved in 1830. The Ministry of Lord Grey, which came into office in that year, was pledged to carry Reform. From March 1, 1831, when Lord John Russell introduced the first and carefully considered Reform Bill into Parliament, till the passing of the Reform Act in its third form, the principles of the reforms proposed by the Whigs were known and discussed throughout the length and breadth of the United Kingdom. The Bill was carried to the watchword, "The Bill, the whole Bill, and nothing but the Bill." To quote Macaulay's words in 1831, an impartial observer could "see only one question in the State—the question of Reform; only two parties—the friends of the Bill and its enemies."¹

Even in the unreformed House of Commons reformers obtained for the first reading a majority of 302 to 301. A dissolution immediately followed. In the new Parliament, still unreformed, the Bill passed the Commons by 345 to 236 votes. The Peers exerted their whole power of opposition. They rejected the second Bill on September 22, 1831, by 199 to 158. In March 1832 the third Reform Bill was passed by the Commons. Of the struggle carried on by the King, now alarmed by reform, and the House of Lords, the majority of whom thoroughly hated reform, it is not necessary to state the details. The point to be noted is that the whole position of affairs was known to the whole people. A defeat of the Bill in the House of Lords, May 7, 1832, caused the resignation of the Whig Ministry. The Duke of Wellington thereupon tried, and failed, to form a Tory Ministry.

¹ Walpole, *Hist. of England*, vol. ii. p. 656.

The King consented to the creation of Peers. The Whig Ministry returned to office. The Lords gave way, and in June 1832 the great Reform Act was passed. An impartial historian need not blame either the reformers or the anti-reformers. The Reform Act embodied an immense alteration in the Constitution. It was right that it should be carried, for it in the main corresponded to the needs of the country, and represented the indubitable will of the nation. But it was well also that a fundamental change in the Constitution should not be carried through until the will of the nation had been thoroughly ascertained. The people fully ratified the reform of 1832. To the first Reformed House of Commons there were returned 486 Liberals against 172 Conservatives. What I cannot understand is how any man can deny that the principles of the great Whig Reform Bill met with the deliberate, direct, and undoubted approval of the country.¹

Consider, again, the Act of 1869 which disestablished the Irish Church. The measure may have been wise or unwise. With this I am not concerned; the essential point, for my present purpose, is to note that Gladstone, when leader of the Opposition in 1868, laid before the House of Commons resolutions for the disestablishment of the Irish Church. Some of these resolutions were carried, and a dissolution of Parliament recommended by Mr. Disraeli, then Premier, immediately followed. The Disestablishment of the Irish Church was the primary and leading question of the moment. The dissolution gave to Mr. Gladstone a decisive majority.²

¹ No one who gives any thought to constitutional contests can doubt that, on any matter worth discussion, the will of the electors or of the nation never represents strict unanimity. Of course there existed, during the contest over the great Reform Bill, a Tory minority of greater numbers and power than the Whig Reformers were ready to recognise.

² The Third Reading of the Bill in the House of Commons was carried by 362 to 247.

Disraeli, most rightly, at once resigned office. The Bill for the Disestablishment of the Irish Church was ultimately passed into law, though undoubtedly modified after consultation with the Conservative leaders. But it surely cannot be said that the Bill was carried without the definite assent or against the will of the electors. I take the Reform Act, 1832, and the Disestablishment of the Irish Church Act, 1869, as examples of Acts carried with the direct sanction of the electorate. But English statesmen, when at their best, try to look much less at forms than at facts, and there existed between 1830 and 1911 two processes by which it was often possible, without unfairness, to infer the assent of the electors even to Bills which had not been put directly before the people [at a General Election. The assent of the electorate might, to a certain extent, and often almost necessarily, be inferred from the ultimate agreement between the leaders of two great parties as to measures to which one party, at any rate, was naturally opposed. Many critics who objected to some of the manœuvres by which Household Suffrage was introduced into the Constitution in 1866-7 would yet, even though they were Conservatives or Moderate Whigs, assent to the statement that these measures were clearly supported by the mass of the electors. This kind of indirect inference is always dangerous, but may sometimes be perfectly fair. Another mode of indirectly ascertaining the will of the electors has, for the moment, been destroyed by the work of so-called Liberals or Democrats. As long as the House of Lords had the power to necessitate a dissolution by the rejection of some Bill, say the Home Rule Bill of 1893, their hesitation to use this power afforded at least a strong presumption that their Lordships themselves doubted whether the Bill was not really supported by the electors. Here, again, this indirect inference involved some risk of mis-

taking the will of the people. Still, in many cases it gave effect to the wish of the nation. The plain truth is that the Parliament Act has lessened in some respects the moral authority of the House of Commons by increasing the chance that a party majority may grossly misrepresent the will of the nation.¹

Let me add that the constitutional doctrine for which I am contending, though not formally admitted by the unreformed Parliament before 1832, is much older than that date.

Let any fair-minded man acquainted with the history of the conflict between Pitt and the Coalition of 1783-4 consider the causes and the justification of Pitt's triumph. Such a critic will soon perceive that, according to the judgment of the greatest of Whig historians,² Pitt's success was due to the determination of even the unreformed electorate that the party dominant in the House of Commons should not override the will of the country.

(ii) The conduct of the Coalition of to-day proves that its members more than half believe that the Home Rule Bill is condemned by the electors. It is greatly the interest of Home Rulers that the Home Rule Bill, before it becomes an Act, should gain the undoubted support of the electorate. Till this is obtained our New Constitution will rest on a very shaky foundation. Why, then, does not Mr. Redmond press for, or even command, a dissolution of Parliament? The reason is as plain as day. He believes that the electors of England would, if once appealed to, join the Protestants of Ulster in their impassioned protest against the Home Rule Bill and the whole policy which it represents.

¹ This risk, combined with the gradual development of democracy, adds immense force to the argument that in England it is as necessary, as it is in the United States, that every great constitutional change should receive the direct sanction of the electors.

² See "William Pitt," Macaulay's *Writings and Speeches*, ed. 1851, p. 395.

(iii) The Parliament Act gives no real sanction to the *coup d'état* meditated by the Coalition. That Act was intended to prevent the House of Lords from resisting the will of the people, *i.e.* of the electors. The Act was not intended to enable the majority of the House of Commons, which means, in fact, the party leaders of a majority, to resist the will of the nation. Does any one seriously maintain that the people of England are prepared to enforce Home Rule upon Ulster by means of civil war?

(iv) The attempt to transform the Home Rule Bill into a Home Rule Act without any appeal to the electors involves the following astounding and obviously unconstitutional result. Suppose that the Home Rule Bill, in virtue of the Parliament Act, becomes the Home Rule Act in May 1914. The present Parliament was summoned to meet and came into existence on January 30, 1911. It might, if the Government chose, continue in existence till, at any rate, January 29, 1916. The present Parliament might, even though it had ceased by May 1914 to represent the will of the electors, at any rate as regards Home Rule, continue in existence for a year and a half. During that period Irish Nationalists would keep urging the Government to take every step which would increase the difficulty of the repeal or modification of the Home Rule Act by the new Parliament of 1916. The Government might apply the Territorial and Reserve Forces Act to Ireland, or to the parts of Ireland where Nationalists were strongest. The Government might nominate the members of the Senate. The Government might convene the Irish Parliament. The Government would, during this strange interregnum, nominate the members of the Exchequer Board. The Government might make grants to Ireland for the purchase of the buildings in which the old Parliament of Ireland was accustomed to meet. In this, and in many

other ways, the Government might, without the assent of the people, throw up entrenchments, so to speak, for the protection of the new Constitution, which had never been assented to by the electorate of the United Kingdom. The very possibility of such action will be absolute proof, to many of my readers, that to pass a Home Rule Act without any appeal to the electorate violates the whole spirit of our existing constitutional government.

II. *How Unionists should treat the Home Rule Act of 1914, when lacking constitutional authority*

My opinion is that, in the circumstances supposed, every Unionist should go to the poll at the next General Election, after the passing of the Home Rule Act, with the avowed determination and intention to obtain by every legal means a Unionist majority, and that such a majority would not only have the legal right (which is certain), but also would be under a constitutional and moral duty to suspend, to modify, or to repeal *in toto* a Home Rule Act, passed against the will of the nation.

Of course I shall be told that this mode of proceeding is unconstitutional. It is, I admit, unusual. But when the spirit of democratic and constitutional government has been for the first time violated, the defenders of popular government are well within their rights if they set aside the practice in order to save the principles of our Constitution. But they will not, if the course I suggest be followed, in reality violate any established constitutional practice or custom. The Parliament Act may, for my purpose, be a statute as wise as I hold it to be unwise and unstatesman-like. But, whatever be its merits, it changes the whole of our constitutional usages. It logically justifies far more frequent appeals to the electorate than have hitherto been common, for it has struck

away the one strong security that a majority of the House of Commons shall not override the deliberate will of the nation. I shall be told, again, that I suggest reaction. So be it. No one rates the evils of a reactionary policy higher than I do. Peel set a most statesmanlike precedent when he fully accepted the results of the Reform Act, 1832. His conduct was based on the clear and undoubted ratification by the nation of an immense constitutional change. It is because of this absence of national consent that I hold the Home Rule Act to be devoid of moral authority. When the attempt is made to carry through revolution by fraud, -it is rightly met by reaction which at the bottom is the reassertion of the sovereignty of the nation.

My doctrine is full of encouragement to loyal Unionists in every part of the United Kingdom. The parliamentary battle will not end on the ill-omened day, if ever it should arrive, when, without the assent of the nation, the Home Rule Bill becomes the Home Rule Act, 1914. The stress of the fight will only then have begun. Every Unionist will exert himself, body and soul, to obtain a Unionist majority and destroy the Coalition. For this end no breach of law will be needed. There is nothing illegal in every Unionist throughout Ulster refusing to send a member to the Parliament at Dublin, whose moral authority we shall all deny. Nor, myself, should I see with any displeasure the peaceable non-payment of taxes at Belfast until the General Election (which could not be more than about a year distant) should give, not so much to Unionists as to the whole United Kingdom, the opportunity of repudiating legislation which would lack the moral authority which generally and rightly belongs to every established law and statute.

This is no new doctrine of my own. Lord Hartington (to use the name by which the men of 1886

knew him), was no Radical or enthusiast. He was a Whig of the Whigs. Being dead he yet speaketh :

“The people of Ulster believe, rightly or wrongly, that, under a Government responsible to an Imperial Parliament, they possess at present the fullest security which they can possess of their personal freedom, their liberties, and their right to transact their own business in their own way. You have no right to offer them any inferior security to that; and if, after weighing the character of the Government which it is sought to impose upon them, they resolve that they are no longer bound to obey a law which does not give them equal and just protection with their fellow subjects, who can say—how, at all events, can the descendants of those who resisted King James II. say—that they have not a right, if they think fit, to resist, if they think they have the power, the imposition of a Government put upon them by force?”¹

Note that his language, though I do not dissent from it, goes further than anything necessary for me to lay down, for it applies to a law passed by both Houses of Parliament. In spirit, too, his lordship merely restates the old Whig doctrine that oppression, and especially resistance to the will of the nation, might justify what was technically conspiracy

¹ See Bernard Holland's *Life of the Duke of Devonshire*, vol. ii. p. 250. Hear the language of John Bright in 1887. “For myself,” he wrote, “I do not discuss the question of a little more or a little less of a Parliament in Dublin. A Parliament is a great weapon if once created and opened; not difficult to form, but dangerous to deal with and suppress. . . . The 2,000,000 of loyal population in Ireland are to be forgotten, and their claim to a voice in this crisis of their fate is derided and rejected. . . . The Liberal party is called to make this great surrender. It is to forget its noble past and to adopt a future leading to a gulf, the depth of which no one can sound” (cited in *Protest against Home Rule Bill*. Speech by the Hon. Arthur Elliot, at Freshwater, Isle of Wight, October 30, 1912, p. 11).

or rebellion. On the refusal of the House of Lords to pass the great Reform Bill, Whigs, encouraged by prominent English politicians, came to an agreement to refuse the payment of taxes till the reform of Parliament was secured,¹ and assuredly the story was current among those who well remembered the Reform Bill and its history, that public attention was roused by a Whig Peer bidding a collector of taxes wait and call again in a few weeks. Every one understood that his lordship was preparing, in new circumstances, to play the part of Hampden. The Lords, be it remembered, throughout the battle for Reform acted strictly in accordance with their legal rights. They kept well within the forms, and even within the custom, of the Constitution; but they defied the will of the nation. This is the very offence of which the majority of the House of Commons, if they dare, in reliance on the Parliament Act, to transform the Home Rule Bill into the Home Rule Act without any appeal to the electorate, will be guilty. The language of Lord Hartington, the whole attitude of the Whigs when they fought in support of the great Reform Bill, justify every word I have used. The moral resistance which may endure for a year, or a year and a half, to the Home Rule Act will, from a constitutional point of view, be fully justified. I do not even assert that it may not rightly be carried by Ulstermen to extreme lengths, but, in my judgment, it should for that period, at any rate, be conducted with extreme attention to the preservation of order. It is one thing for Unionists at Belfast to decline to go to the poll, or to take part in the election of any member to the so-called Parliament at Dublin; it is another thing to drive a Nationalist away by force from the polling booth. But I will not pronounce any decisive judgment upon the exact extent to which the maintenance of order and peace is incumbent upon

¹ See Lecky, *Leaders of Public Opinion in Ireland*, vol. ii. p. 129.

men determined not to yield obedience to an Act of Parliament which, from the existence of very special circumstances, lacks constitutional authority, and, in my own eyes, remains little more than a Bill. Until a General Election, resistance to the so-called Home Rule Act should be carried out by legal and moral means. I am assured that such a course of action will appeal to the sympathies of every Englishman, and be crowned with success. England has always, in the long run, given a triumph to the party of morality. As I have already stated, I will not give, because I have not formed, any certain opinion as to the right course to be pursued should the British electorate sanction the monstrous iniquity of depriving the men of Ulster, who are loyal citizens of the United Kingdom, of their right to remain subject only to the Government of the Imperial Parliament at Westminster.

What are the limits within which the tyranny either of a king or of a democracy justifies civil war is not an inquiry on which I will enter. It is for the people of the United Kingdom to take care that provocation recklessly offered by the Government of the country to the most loyal of Irishmen shall not be allowed to convert a conflict which ought to be decided by free discussion, and by the vote of the nation, into a campaign to be decided by soldiers and cannon-balls. Meanwhile, I am assured that, even in the case of the oppression with which Ulster is menaced, no loyal citizen should, until all possibility of legal resistance is exhausted, have recourse to the use of arms.

The doctrine of which I am the defender contains a warning which I must press upon the attention of Nationalists. A Home Rule Bill (whether it be called a statute or not) that has not received the assent of the electorate provides no real security for the continued existence of the Irish Government and Parliament which the so-called Home

Rule Bill is intended to create. A Unionist majority will, as I have insisted, be, in the case of such an Act, under the duty to modify or destroy the untoward work of parliamentary conspirators who defied the sovereignty of the nation.

Nor is this the sole insecurity to which Nationalists will be exposed. Every Unionist holds now, as every citizen of Great Britain will soon discover, that the Home Rule Bill will impose monstrously unfair burdens upon Great Britain. The labour of Unionists will assuredly tend towards freeing the inhabitants and taxpayers of Great Britain from more than one unjust burden. Assume, for the sake of argument, that it is well to grant Home Rule to Ireland, the greatest care ought to have been taken to ensure that benefit to Ireland should not work wrong to England. As regards finance, the expert Finance Committee of Home Rulers¹ framed a scheme which, at any rate, was intended to be just to every part of the United Kingdom, and, though it imposed heavy burdens on the predominant partner, provided that the weight of these burdens should be brought within a comparatively short period to an end. The Government deliberately rejected the proposals of their own Committee, and is forcing the predominant partner to pay for an indefinite period huge sums for the pleasure of breaking up a partnership which he does not wish to dissolve. Nor can it for a moment be supposed that millions paid willingly for the benefit of Ireland whilst she is part of the United Kingdom will, with the assent of Unionists, continue to be paid when she claims the independence without the full responsibilities of a self-governing colony.²

¹ See p. 74, *ante*.

² This is apparently the view of the Unionist leaders: "So long as Ireland is an integral part of the United Kingdom there will be no difference in treatment between Ireland and any other part of the Kingdom; but if she chooses to put herself in the status of a colony, then we will give her a preference, but we shall not

It is, therefore, the interest of an honest Nationalist, even more than of a strenuous Unionist, to take care that the Home Rule Bill is not passed into law in circumstances which make it possible to deny that the Act has ever gained the deliberate assent of the British electorate. An outsider would have thought that a Nationalist would even now perceive that no Home Rule Bill was worth passing unless it were studiously just to England. One thing, at least, is certain. No Home Rule Act can, in the present state of the world, permanently hold its ground which has not received the assent, and the undoubted assent, of the vast majority of the British electorate. It is the interest of every honest Nationalist, even more than of every enthusiastic Unionist, to insist that the Home Rule Bill, 1912, shall not become the Home Rule Act until it has been without doubt submitted to the verdict of the electorate of the United Kingdom.

Fourth duty.—It is the duty of every Unionist, as indeed of any man who cares at heart for the welfare of the United Kingdom, to look facts in the face. Pessimism is folly; to suppose that every difficulty which can reasonably be foreseen in the working of an ill-prepared, incoherent, and in many respects undiscussed measure, will certainly arise argues timidity rather than foresight; but it is a still graver error when a statesman in office professes to be a 'credulous optimist.' Any indignation which I might feel at his levity is swallowed up in wonder at his momentary want of wisdom. Credulous optimism,

treat her precisely as if she were a member of the United Kingdom. I think it would be well that the people of Ireland should clearly understand that that will be the attitude, not only of the party which I represent, but I venture to say further, that if that change did actually take place, honourable gentlemen opposite will be influenced by the opinion of their own constituents, and, except to the extent of the power of forty members who are still among them, will act precisely as we will act—we shall think twice of our own people and once of them."—Mr. Bonar Law, *Parliamentary Debates*, Oct. 17, 1912, col. 1567; see also col. 1566.

or optimistic credulity, may possibly be natural to a Minister enjoying the power and all the other advantages of office ; but it is not a condition of mind in which any man of sense should transact the serious business of the nation. Credulous optimism is, after all, merely a decent name for the delight in a paradise which is not the paradise of the wise. It is a duty of every Unionist, and of every patriot, to avoid the follies of pessimism no less than the follies of optimism, and to base his political conduct on the simple but sure rules dictated by faith in the force of common sense and of common justice.

APPENDIX

REPORT BY THE COMMITTEE ON IRISH FINANCE

Summary of Conclusions and Recommendations

62. We may now summarise our final conclusions and recommendations as follows:

(i) We recommend that the power of *imposing* and *levying* all taxation in Ireland should rest with the Irish Government, subject to such reservations as may be necessary to guard against the raising of tariff questions that might prejudice relations with foreign Powers or trade and commerce between Great Britain and Ireland.

(ii) We recommend that the obligation of Ireland to contribute to the general expenditure of the realm be affirmed, but that a settlement of the amount of the contribution be allowed to remain in abeyance.

(iii) We recommend that an Irish Government should take over the whole of the Irish local expenditure, the amount of which some two years hence we put at £12,400,000.

(iv) We estimate that the revenue an Irish Government might expect then to receive from existing taxes and from non-tax sources would be about £10,350,000.

(v) We recommend that, to meet the deficit and to provide the Irish Government with a working balance and also a margin for immediately accruing charges in respect of future Old Age Pensions and Land Purchase, the Imperial Exchequer should take over the liability for all Old Age Pensions already granted at the date when the transfer of powers takes place (the amount of which we estimate at about £3,000,000); and that should the

amount so provided appear at the time of settlement to be insufficient, the Imperial Exchequer should take over a further liability for so much of the charge for Constabulary Pensions as might be found to be necessary.

(vi) We recommend that "double income-tax" be avoided, and that each Government should bear one-half of the cost that the concession will entail.

(vii) We consider that provision should also be made for the avoidance of double death and stamp duties.

(viii) We recommend that the Guarantee of the Imperial Exchequer in respect of Land Stock should remain, but that the Irish Government should be made responsible for securing to the National Debt Commissioners regular payment of the sums due from Ireland in respect of the Stock, and that for this purpose power be reserved to his Majesty in Council to appoint a Receiver of Irish Customs and Excise in the event of the collection of the purchase annuities falling more than *three* months into arrear.

Conclusion

63. This completes what we have to say on the subjects referred to us. We have endeavoured to confine ourselves as closely as possible to the terms of our instructions, and, as we said before, to treat the problem before us as a plain matter of business. But finance is not merely a question of arithmetic. It lies at the root of all government, and cannot be discussed with entire disregard of general political considerations. This must be our excuse if we may have seemed sometimes to presume to trench on issues outside those with which we are more directly concerned.

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